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The American Political Science Review

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DEVIATION CONTROL: A STUDY IN THE DYNAMICS OF DOCTRINAL CONFLICT

ZBIGNIEW BRZEZINSKI
Columbia University

This essay is a comparative study in the dynamics of doctrinal conflicts. It deals with two organized international movements overtly committed to spreading and carrying out a doctrinal program of action, theological or ideological, on the basis of both the individual commitment of their respective members and their collective goals as organized bodies. Its purpose is to generalize from the experience of these organizations in handling deviations involving a unit of the movement differing or clashing either with the acknowledged center, or with another unit of the movement—in both cases over theological or ideological issues, but within the common doctrine, and accompanied by mutual doctrinal recriminations. A brief and selective analysis of the historical experience of one such movement, Catholicism, might contribute to a more sophisticated understanding of some recent developments within a contemporary international movement, Communism.

More specifically, this study will seek some implications from the doctrinal clashes between Rome and the Jansenists and from the Jesuit missionaries' disputes with their Franciscan and Dominican critics in the 17th century for the problems of unity and diversity which international communism has recently encountered.[1] Since the issue of Jansenism involved the relations between the French kingdom, with its strong emphasis on the Gallicanism of the French Church, and Rome, the first case has elements of a conflict between a nationally based doctrinal deviation and the center. The second instance pertains to doctrinal-strategic conflicts between component units of the international movement.

I

In both cases we are dealing with theological or ideological movements which are action-oriented; thus a theological or ideological dispute among their respective units is more than just a discussion of philosophical abstractions. Factors of political power and control inevitably become involved. Also, since in any doctrinal[2] bargaining there is no firm, "objective" way of determining the correctness of conflicting positions, a doctrinal dispute has a dynamic quality to it. Once it breaks out, a doctrinal compromise is extremely difficult to arrange. Splitting the difference as in financial transactions, selecting a river or a mountain range as in border disputes, accepting the line held when firing ceased as in armistices: all these devices are simply not applicable. Barring an outright split, the usual solutions tend to be more extreme: the agreement of one protagonist to become doctrinally silent, although not necessarily retracting his original views; or the doctrinal subordination of one to the other. A third solution, a mutual agreement to become silent, is not stable if one of the parties involved is the center, since a doctrinally oriented movement cannot remain doctrinally silent in the face of continually changing reality.

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[1] Among the growing literature on the Sino-Soviet relationship the following books may be suggested: A. Doak Barnett, *Communist China and Asia* (New York, 1960), especially ch. 12; G. F. Hudson, R. Lowenthal and R. MacFarquhar, *The Sino-Soviet Dispute* (London, 1961); K. London, *Unity and Contradiction* (New York, 1962); D. Zagoria, *The Sino-Soviet Conflict, 1956–1961* (Princeton, 1962). On eastern European affairs see P. Zinner, ed., *National Communism and Popular Revolt in Eastern Europe* (New York, 1957); J. H. Hallowell, ed., *Soviet Satellite Nations* (Gainesville, 1958); R. Bass and E. Marbury, eds., *The Soviet-Yugoslav Controversy, 1948–1958* (New York, 1959); F. Vali, *Rift and Revolt in Hungary* (Cambridge, Mass. 1961). On the general problem of Communist bloc relations, see Z. Brzezinski, *The Soviet Bloc: Unity and Conflict* (rev. ed., New York, 1961).

[2] For the purpose of brevity henceforth the word "doctrinal" will be used to cover both theological and ideological disputes, even though there are obvious differences between doctrine, theology and ideology.

The same consideration makes the commitment to silence on the part of a deviation-inclined unit also difficult to sustain. In time the unit involved must make doctrinal judgments, for the same reason that the movement as a whole cannot become silent, since doctrine rationalizes and justifies its program. When that happens, the unit is faced with the choice of either saying that which it was earlier unwilling to say—in effect, thereby capitulating—or reopening the dispute. By way of example, Gomulka's 1956 implicit agreement to remain doctrinally silent was gradually translated into doctrinal capitulation. Tito and Khrushchev, after attempting in 1955–1956 to effect something amounting to an agreement of mutual silence, both soon discovered that they were compelled to speak up, and so they clashed again. The Jansenists during the 17th century faced the same dilemma, since they also were attempting to wage a doctrinal conflict within the framework of a common doctrine and a common international organization.

Power is heavily involved in these disputes. A concession on a doctrinal issue automatically magnifies the power and strengthens the prestige and even authority of one protagonist at the expense of the other. Furthermore a doctrinal dispute very frequently generates related conflicts. These may stir up, for instance, jurisdictional or organizational or personal issues, which then also intensify the doctrinal conflict. Indeed, in doctrinally oriented organizations the latter-type conflicts in themselves usually stimulate doctrinal differences, since there is a strong temptation among doctrinally sensitive organizations to use the charge of doctrinal laxity (or some other imperfection) as a means of scoring a point in any disagreement. The term doctrinal deviation or conflict is used here whenever such doctrinal recriminations are exchanged, irrespective of their cause, within the common doctrinal and organizational context.

In spite of this inherent dynamism of doctrinal conflict, there are also certain elements of stability to it. Usually until quite some time after a deviation has become a defection or a defiance, the conflict tends to be limited by the mutual acceptance of a common value-system inherent in the doctrine, which tends to confine that conflict within the organization and precludes alliances outside of it. For instance, the sharing of mutual animosity towards the "non-believers" is a persisting characteristic of doctrinal conflict. Furthermore, the common doctrine facilitates communication between protagonists, communication both of the explicit and implicit kinds. Certain moves are not only understandable but easily deciphered—hence the ambiguity inherent in conflicts between doctrinally antithetic protagonists (*e.g.*, "the enigma" of Communism in the eyes of the West) is limited.[3] Doctrinal conflict thus involves agreement and disagreement at the same time.

II

With the foregoing setting the general framework, it may now be appropriate to outline those aspects of the Church's history of the 16th and 17th centuries[4] and of today's Communism which provide the point of contact for this comparative treatment of deviation control. The analogies that will be suggested are not meant to establish a rigid identity in behaviour but rather to unfold certain parallel trends, given the structural-functional similarities of the two movements. Perhaps it need not be added that the pace of events in our age is so rapid that changes involving mere decades must be equated with processes which in the past took several centuries to mature.

No general equivalence between Catholicism and Communism can be implied by this study. Indeed, a most vital and distinctive aspect of the activity of the Catholic Church, the spiritual, which defines the unique character of the Church as both a spiritual and a temporal institution, is altogether excluded from consideration. However, certain aspects of the social-political functions of the two movements are both sufficiently similar and unique to them to justify a joint analysis. Both movements see themselves as the exclusive standard-bearers of an absolutely correct and normatively all-embracing vision of reality; both have been frequently tested in the defense of the purity of their doctrine; and, since almost nothing that occurs on this earth is seen as irrelevant to the doctrines of these organizations (although Catholicism recognizes the realm of the morally neutral), both have been faced by the difficult task of developing their doctrinal store house to take into account changing social conditions. Both are inherently committed to proselytization and are expansion-oriented: a static or defensive outlook is contrary to their internal nature, while their value-systems make the success of any one unit of the movement the source of satisfaction to the entire membership. This membership is exclusive, and both movements have jealously protected themselves against the free influx of groups claiming alleged identity of views.[5] Both are international, yet both have been frequently faced by the challenge of having to reconcile their claim to universality with the often intense impact of nationalism on their various memberships. Finally, both movements have a highly developed hierarchical power structure, they stress internal discipline, and possess a sophisticated bureaucratic apparatus which in itself generates an organizational compulsion towards application of the doctrine in practice. At the same time, it would be incorrect to think of them simply as homogeneous, single units. Precisely because of their universal scale, their internal organization has to reflect the complexity of the human condition, and they must take into account various national and functional needs. Hence these movements possess only relatively homogeneous international organizations,[6] composed of usually more homogeneous units.

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[3] It could be argued that the failure of the West to appraise Communism in terms other than those traditional to the West helped Communism in the phase of its weakness. *Cf.* George Kennan, *Russia and the West* (New York, 1961).

[4] I have largely relied on L. Pastor, *History of the Popes* (32 vols., London, 1928–40).

Deviation involving the relations among some of these units, and not deviation within any one of them, is the object of this study. In the case of Catholicism in the 16th and 17th centuries (the choice of this period is justified below), the principal units were, first of all, the center of the organization, the Papacy, with its highly developed bureaucratic apparatus and far-flung Papal Nuncios; the various Catholic kingdoms which in general accepted the principle of universal Catholic unity but with varying degrees of actual Papal intervention in their church matters;[7] the established Catholic universities, such as Louvain or the Sorbonne, which were very active in doctrinal discussions and which operated as corporate entities; the dioceses, particularly those ruled by strong-willed bishops anxious to assert the principle of internal episcopal independence from Rome; the various orders of the Church, such as the Jesuits, the Dominicans, the Franciscans, etc. A systematic classification of the component units of international Communism would presumably include the various Communist-governed nation-states, and also the national Communist parties, as well as the center of the movement, the CPSU.[8] These states differ in national power and are in various stages of doctrine-fulfillment (*i.e.*, some are still building "socialism" while others are more or less ahead); some are truncated states, hence the expansion-orientation of their Communist elites is more intense; some are indigenous Communist regimes while some are entirely dependent on Soviet support.[9] Within the various ruling parties different shades of ideological orientation have developed in recent years, the extremes of which are generally described under the terms revisionist and dogmatist. There are also strictly international functional Communist undertakings, such as the WFTU, etc. Thus both international movements are composed of various political entities of asymmetrical strength, interacting and sometimes clashing within a common organizational-doctrinal framework.

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[5] For this reason, both organizations have established exclusive standards for membership. *Cf.* Lenin's "Twenty-one Conditions" and, for example, the difficulties faced by the Chaldean monks in the 17th century.

[6] Relatively, as compared to some others, less doctrinal, less disciplined, etc. Another way of looking at them would be to see them as international systems, but this tends to underestimate the internally binding factor of ideological commitment. See G. Modelski, *The International Communist System*, mimeo., Princeton, 1960, for a definition of "international system."

[7] For instance, the French king and the French church always stressed the traditions of Gallicanism as a justified restraint on Papal power. See the lengthy treatment in L. Pastor, *op. cit.*, esp. vol. 32, pp. 246–325.

[8] For different definitions of its special position of primacy see the November 1957 Twelve-Party Declaration and the December 1960 Eighty-One Party Declaration.

[9] A fuller classification of Communist states might have the following categories: stages of doctrine-fulfillment; stages of social-economic development; unified or truncated states; indigenous or imposed Communist regimes; stable popular regimes; stable, unpopular regimes; unstable, unpopular regimes. It would be interesting to see whether there is any relationship between the above and the doctrinal attitudes of the ruling elites. However, that is a subject matter for a separate study.

Perhaps it is not entirely accidental that these organizational-functional analogies are also matched by certain parallels in historical experience. By the late 16th and early 17th centuries the Church, and particularly the Papacy, was seeking new formulae for doctrinal and organizational unity. Badly shaken by the Reformation which had split Christian unity, the Church was exposed to various cross-currents of reform, some seeking salvation in new forms of organization and behavior, others turning to a fundamentalist, literalist reaffirmation of the doctrine. The emergence of absolutism, furthermore, meant that the Catholic world was increasingly becoming a composite of units each claiming domestic sovereignty. The universal Church in effect had become an international one, *i.e.*, composed of national units. The direct physical scope of Papal power became much more limited, and the problem of defining its limits and of somehow translating it into authority was a source not only of concern but also of tension within the Catholic world.

Communism has faced similar problems in the course of the last decade. Communism in one country expanded to twelve countries, thus becoming international. But the split with Tito, then Stalin's death, the crisis of 1956 and the self-assertion of China have limited the direct scope of Soviet power,[10] despite nuclear weapons. The problem of defining the role of the CPSU within the changing bloc, and of coping with the revisionist and the dogmatist remedies for some of its ills, has been preoccupying Communist leaders over the last few years. In both cases, perhaps the two most important antecedent developments, which subsequently shaped the histories of the respective movements in the above periods were (1) the emergence of highly centralized power within each, and (2) the crisis of unity, prompted in part by the internal deformations generated by the arbitrary and increasingly corrupt practices employed in the exercise of that power.

Papal power, including its use of physical coercion, grew rapidly in the late Middle Ages. Many factors contributed to its growth. The doctrine itself generated pressures, with the Petrine Texts of the Gospel of St. Matthew, chapter 23, providing the authoritative source for Papal supremacy over the other bishops.[11] The Crusades, with their mobilization of doctrinal zeal, reinforced the special position of the Papacy, while the diplomatic initiatives of the Popes in gaining the support of European monarchs and in raising the necessary financial backing through indulgences and other means enhanced their special status. The appearance of military orders, independent of local parishes and dioceses, acknowledging only the sovereignty of the Pope, likewise contributed to Papal power. These were followed, on a larger and more enduring scale, by various mendicant orders, whose ordained members, circulating over Europe, gradually undermined the autonomy of the local bishops. Two great Catholic universities, Bologna and Paris, helped to develop the intellectual underpinnings of the Papal system.[12] Under Pope Gregory IX, the principles of Papal supremacy were fully developed while in the Roman Curia the nucleus of an efficient and centralized bureaucracy was established. More generally perhaps, these developments can be viewed as a centralizing drive inherent in any action-oriented organization committed to an absolutist value-system.

Doubtless, the Inquisition also contributed to the consolidation and expansion of Papal power. The use of physical violence, frequently wielded by members of one of the mendicant orders, delegated by Rome directly, was vigorously applied against those accused of doctrinal error, defined in practice as deviation from the principles of faith laid down by the center.[13] Much of the Inquisition was directed at the members of the movement itself. In spite of the opposition of some bishops, who warned that its practices would harm the Church,[14] in time the Inquisition, especially the Spanish, mounted in intensity, employing tortures, requiring confessions, rendering judgment by administrative trials without defense for the accused, and applying sanctions against families of the accused.

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[10] See Brzezinski, *The Soviet Bloc, op. cit.*, and "The Challenge of Change in the Soviet Bloc." *Foreign Affairs*, April 1961.

[11] Opposition to the Papacy was based on the argument that the earlier organization of the Church involved equality of all bishops: "Without prejudice to its agreement with the Church Universal in all essential points, every church manages its own affairs with perfect freedom and independence, and maintains its own traditional usages and discipline, all questions not concerning the whole Church, or of primary importance, being settled on the spot . . . Laws and Articles of faith, of universal obligation, are issued only by the full church, concentrated and represented at an Oecumenical Council." Janus, *The Pope and the Council* (London, 1869), pp. 85–86. (Janus, a 19th century writer, was bitterly opposed to the doctrine of Papal infallibility. A less one-sided source is the *Cambridge Medieval History* (Cambridge 1957), Vols. IV, V; see also P. Sigmund, Jr., *Hierarchy and Consent: The Political Theory of Nicholas of Cusa*, Harvard Ph.D. thesis, 1959. I am much indebted to Dr. Sigmund for his critical but constructive comments.

[12] Although both institutions also contributed to the development of the intellectual underpinnings of Averroism and Gallicanism, respectively. See Janus, *op. cit.*, pp. 151–181; also Pastor and Sigmund, *op. cit.*, for fuller and less hostile accounts.

In the Communist case, too, an inherent tendency towards centralization was operating, given the doctrines and the early organizational inclinations of the ruling groups.[15] The launching of the internal revolution in 1928–1929, much like the Crusades, intensified internal zeal, while the gradual absorption of the Comintern, and the purges of foreign Communists made the universally oriented movement a Soviet-centralized one. In both cases, the centralization and the application of physical violence led to corruption and internal decay.

Indeed, there are striking parallels between the processes and the effects of the Inquisition and of the Soviet purges of the '30s. Some Communist leaders, like Kirov, warned against the use of physical violence within the movement, but were overruled. The purges which followed swept the Communist party, using techniques similar to those cited above.[16] And just as the Inquisitors made ample use of the charge of witchcraft to mobilize popular ignorance and suspicion, and particularly to take advantage of the susceptibility of the masses to prejudice, so too the Soviet secret police charged many purge victims with *vreditelstvo* or wrecking.[17] While it would be interesting to speculate at what stage a doctrinal movement undergoes such internal convulsions (might it be when exhausted patience and growing skepticism prompt in some members a renewed quest for utopian fulfillment?), the effect of the purges was a further concentration of power at the center. The fear of opposition intensified the violence, and the violence in turn intensified the fear.

In the case of the Church, the internal decay led to a challenge to centralized power and subsequently to the fracturing of the unity of the organization. In the case of Communism the two events were telescoped closer together, with the unity fractured while centralized power still existed, but with that centralized power challenged shortly after disunity appeared. The Council of Constance (1414–1418), already reflecting strong national differences, was a major effort to upset the power of the Curia, although its actual purpose was to elect one Pope in place of the three claimants. Its consequence was the doctrine of conciliar supremacy, which shortly afterwards was tested at the Council of Basle (1431). Although Papal power had been badly shaken, in that contest the Pope still prevailed. The split in Christian unity, effected a century later by the Reformation, thus came at a time when the movement was still basically centralized, although underneath the surface secular absolutism was setting the stage for the transformation of the Church from a single homogeneous unit into an international one. The Stalin-Tito break was in that sense remarkably similar, for it took place when Communism outwardly was united but in reality it, too, was becoming international, having absorbed a number of nation-states and having set up nationally-based Communist regimes in them.

Neither organization handled its first major crisis of unity well, but each was to derive valuable lessons from it. At first both apparently thought that past methods would suffice to repel the challenge posed respectively by Luther in 1518 and Tito in 1948. The Pope seems to have expected that branding Luther's views heretical and ordering him to appear in Rome (Papal citation of August 1518) would dispose of the German cleric; Stalin, with the purges presumably still fresh in his memory, assumed that a mere condemnation of Tito's regime would topple the recalcitrant Yugoslav revolutionary. It is particularly striking that in both cases, the prospective deviants did not wish to deviate, and at first went to considerable pains to reassure the center of their continued loyalty. However, the center's insistence on continuing the dialogue with the deviating member[18] resulted in the further crystallization of the deviant position as well as in increasing the personal stake of the would-be deviant in not becoming physically subject to the center's power.

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[13] For example, "Savonarola's crime was disobedience to the Pope—and that Pope was Alexander VI. He was not a rebel against the apostolic See; but he was torn between the claims of obedience to God and submission to the orders of an unworthy Pope." W. Nigg, *Warriors of God* (New York, 1959), p. 278.

[14] Bishop Wazo of Liege, Bishop Hildebart of Le Mans, Rupert of Deutz, and Saint Bernard (see Janus, *op. cit.*, p. 238).

[15] *Cf.* L. Schapiro, *The Origins of the Communist Autocracy* (New York, 1956).

[16] *Cf.* Brzezinski, *The Permanent Purge—Politics of Soviet Totalitarianism* (Cambridge, Mass., 1956).

[17] Many credulous and semi-literate Soviet citizens, baffled by the dislocations caused by the first impact of the social revolution, probably swallowed the charge that some distinguished old Bolsheviks were derailing Soviet trains with the same seriousness with which their 13th and 14th century counterparts accepted the accounts of "nocturnal meetings, where the devil appeared in the form of a toad, a pale spectre, and a black tomcat, [with] wicked abominations . . . practiced." Janus, *op. cit.*, pp. 252–253.

The open defiance and the split came rather quickly in both cases. An attempted compromise, engineered by von Miltitz, the Papal nuncio, and based in part on Luther's promise to observe silence if his opponent did also, failed in late 1518 for the reasons outlined earlier in this essay. Luther continued his defiance and in June, 1520, a Bull of Condemnation was issued and it was followed six months later by personal excommunication. Allowing for problems of communication, the split was about as rapid as in the 1948 Stalin-Tito case.

Both Luther and Tito found haven for their doctrinal defiance in national power, and in both cases the center, not accurately interpreting the changes that had taken place in their respective international movements, had not foreseen this contingency. Instead of either arranging for a quiet liquidation, then followed by an open condemnation of the improper views, or merely ignoring the alleged deviant, the centers in both cases moved precipitously, personalized the conflicts, thereby making conciliation more difficult, and then found themselves unable to cope with the alerted and properly entrenched defiers. It is likely that greater patience on the part of the centers, and particularly a refusal to engage in open dialogue, might have been more productive, especially since both Luther and Tito viewed themselves as merely attempting to invigorate their respective movements, were in some ways doctrinally more orthodox and more radical than their centers, and would have been unlikely to effect a split on their own. With time, and particularly with their deaths, the centripetal pressures inherent in the combination of absolutist doctrine and action might have sealed whatever breaches Luther's or Tito's excessive zeal could have effected.

The splits, accompanied by the more profound transformation of the two organizations, resulted in a quest for a new balance of unity and diversity and for new bases of central power. With Stalin's death, Communism experienced also a crisis of leadership and it has since been seeking some enduring definition of the center's doctrinal authority. Like the Kremlin until 1956, the Papacy had not needed an explicit and formal affirmation of its infallibility as long as it was enjoying some temporal power. With the decline of its physical power, pressures developed from within the Church, particularly from some of the orders (*e.g.*, the Jesuits), in favor of an explicit doctrinal assertion of Papal authority so as to protect the movement's organizational unity which further doctrinal divergences, like the one with Luther, could rupture. Furthermore, the tactical lessons of the Luther experience were not lost on the Church: in the handling of subsequent deviations it displayed far more sensitivity to the dangers inherent in doctrinal conflict and far greater skill in deviation control.

III

The Church's "deviation consciousness," acquired at the price of deviation transformed into open defiance, became apparent when Jansenism came to threaten Catholic unity and to defy the Pope's leadership throughout most of the 17th century.[19] Jansenism can be seen as a fundamentalist reaction both to the internal decay which had caused the doctrinal split (the Reformation) and to some of the reform movements within the organization, particularly the Jesuit movement, that became active after the split. Thus it bears strong resemblance to the dogmatists active in international Communism after the difficulties prompted by de-

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[18] In the case of Luther, see the report of the official Roman *Censor Librorum* "In praesumptuosas M. Lutheri Conclusiones Dialogus," and Luther's "Responsio ad Silv. Prierietatis Dialogum," in which he, however, still accepted Papal authority; in Tito's case, see the Stalin-Tito correspondence, in Bass and Marbury, *op. cit.*

[19] My principal sources have been Pastor, *op. cit.*, volumes 29–32; M. Tollemache, *French Jansenists* (London, 1893); N. Abercrombie, *The Origins of Jansenism* (Oxford, 1936). Specialists in Church history will perhaps forgive me for this very sketchy treatment. In my analysis I will not attempt a detailed historical summary nor deal with the theological content of Jansenism but only focus on those aspects which are relevant to the purposes of this study. Basically, the Jansenists, not unlike Calvinism, took a rather dim view of man's capacity to resist sin; they urged such intense and demanding standards before partaking of holy communion that many of them abstained from the sacrament for years at a time.

Stalinization, reacting furiously against the remedies suggested by the revisionists,[20] and using their attacks on the revisionists, as a form of criticism of the center.

When Jansenism first appeared in the Lowlands, with the posthumous publication in 1640 of Cornelis Jansen's (Jansenius) major opus "Augustinus, Seu Doctrina . . . ,"[21] stirring a lively discussion in the circles associated with the University of Louvain (as well as a prompt Jesuit rejoinder), the official attitude of the center was to discourage any doctrinal debates on the complex subject of Grace and Communion.[22] Thus both the Jansenist publications and the Jesuit attacks on them were criticized by Papal decree without, however, an explicit condemnation or affirmation of either.[23] The center's position was clearly one of avoiding a new doctrinal debate. However, the Jansenists were quick to exploit this restraint—much as the revisionists and the dogmatists did prior to the unity conference of 1957—as proof of the orthodoxy of their position. Citing copiously from Saint Augustine, they argued that their views represented the true principles of Christianity, as contrasted with the alleged doctrinal elasticity of the Jesuits.

Although the Louvain debates were vexing to the Church, Jansenism became a serious problem only when its principles were shortly afterwards adopted by a gifted French theologian, Antoine Arnauld, and popularized by him within the French church and influential French court circles. Sympathetic members of the clergy, including several bishops and at least one convent, in turn found support in the government, always ready to protect the Gallican Church (with its French way to heaven) against the encroachments of the center.[24] Arnauld, in his voluminous writings (he was a brilliant pamphleteer), and his adherents avoided attacking Rome, but concentrated their ire especially on the Jesuits[25] who were said to be gradually undermining the true doctrinal foundations of the movement. Formally proclaiming their obedience to the Pope,[26] the Jansenists thus made use of what we might call the "indirect-dialogue technique" and "the enemy-by-analogy" device to challenge the doctrinal interpretations of the center—again much like some of the recent Chinese and Albanian polemics against Moscow by way of the Yugoslav revisionists. Similarly some of the French bishops, in the course of assuring Rome of their loyalty, and of Arnauld's, hinted that "certain persons" within the movement "instead of applying the true remedies to the decay of manners, had recourse to attenuations and palliations."[27]

As Jansenism spread in France, the doctrinal debate over Grace inevitably led to a challenge to the authority and doctrinal infallibility of the center. Both sides were still anxious to limit their rift. Thus anti-Jansenist critics avoided making explicit charges of heresy. Instead, they pointed to the operational harm of Jansenist views; for instance, Jansenist priests, because of their severity, were accused of having become divorced from the masses.[28] This charge is strikingly similar to that often made against the contemporary dogmatists.[29] Beyond that point, the center was loathe to go. Thus, when in 1654 Pope Alexander VII was urged by some of his advisors to publish a new Bull against Jansenism, he delayed, explaining that as long as the Jansenists did not explicitly defend the errors of Jansenius he "was unwilling . . . to drive them to fresh subterfuges and to a denial of Papal infallibility."[30] The center was not anxious to create a new heresy, which could conceivably prompt rash reactions from the most influential Catholic monarchy in Europe.

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[20] It is interesting to note that much of the reform criticism came from the peripheries both in the case of Catholicism and Communism. Jansenism originated, as noted, in the Lowlands. Compare with the criticisms of Communism by the Yugoslav Djilas, or the Hungarian Nagy, etc.

[21] The full title was "Augustinus, seu doctrina Sancti Augustini de Humanae Naturae Sanitate, Aegritudine, Medicina, Adversus Pelagianos et Massilienses" (Louvain, 1640), 3 vols.

[22] Pastor, *op. cit.*, vol. 29, p. 109. The Jansenist principles were: "(1) some of God's commandments are impossible to just men who wish and strive to keep them considering the powers they actually have; the grace by which these precepts may become possible is also wanting; (2) in the state of fallen nature no one ever resists interior grace; (3) to merit, or to demerit in the state of fallen nature we must be free from all external constraint, but not from interior necessity; (4) the Semipelagians admitted the necessity of interior preventing grace for all acts, even for the beginning of faith; but they fell into heresy in pretending this grace is such that man may either follow it or reject it; (5) to say that Christ died or shed his blood for all men is Semipelagianism." *Catholic Encyclopedia*, vol. 8 (New York, 1913), p. 288.

[23] Pastor, *op. cit.*, vol. 29, p. 114 ff.

[24] After Arnauld published in 1643 his *De La Frequente Communion*, the French government was prepared to apply sanctions against him but he was protected by the leading Paris circles and by some of the French bishops. Gallicanism resembles domesticism more than national communism; for the distinction see Brzezinski, *The Soviet Bloc, op. cit.*, pp. 52–53. See Pastor, *op. cit.*, vol. 32, ch. iv.

[25] The Jesuits were among the most active proponents of frequent communion. See Pastor, *op. cit.*, vol. 29, p. 136.

[26] *Ibid.* p. 150.

[27] *Ibid.*, p. 145.

[28] *Ibid.*, p. 155.

Papal restraint gave the Jansenists some margin for maneuver. Enjoying at least the passive support of the French government, which viewed favorably those developments that might limit the Papacy's influence over French life, the Jansenists had no intention of detaching themselves from the Church.[31] A defection on their own initiative would have posed a difficult dilemma for many French Catholics otherwise favorably inclined to them. Jansenism was thus more influential when still part of the organized movement. Its fundamentalist attitude had won over numerous sympathizers who pleaded their cause with the center. Many concerned believers viewed them as dedicated reformers, anxious to restore a zealous church.[32] (Doubtless, the same arguments among others have operated recently in criticizing precipitous Soviet action against their Albanian or Chinese critics). The Jansenists, furthermore, in spite of their doctrinal zeal, did not hesitate to point to the spectre of the Inquisition whenever Papal sanctions threatened, just as the contemporary dogmatists, whenever pressed, are quick to insist that true internationalism must prevail in the internal affairs of the Communist bloc. But above all, their major stress was on denying any novelty to their views; indeed, they frequently used the Dominican Order to prove the orthodoxy of their interpretations,[33] and Arnauld kept reiterating that he was merely expounding the views of Saint Augustine, not of Jansenius. (The dogmatists rarely cite Stalin; they rely primarily on Lenin.) Even when Arnauld took the imprudent step of openly questioning Papal infallibility,[34] and the center's sense of concern for organizational unity led the Pope (in August 1656) to condemn explicitly Arnauld's writings, an outright rupture did not occur. A new spokesman for the Jansenists, Blaise Pascal, eloquently pleaded that there was no real disagreement with the center because the allegedly heretical principles were in fact never uttered by either Jansenius or Arnauld, and that the whole affair was a Jesuit plot. The Jansenists thus simply refused either to submit or to leave the organization.

At this point, the issue, already grown from the purely doctrinal realm to that of discipline, became complicated with the intrusion of the factor of national sensitivity. "Gallicanism became Jansenism's strongest ally,"[35] just as Chinese or Albanian nationalism doubtless buttresses the dogmatists' stand against Moscow. Thus "the Papal decisions were received with docility insofar as they concerned the sphere of faith, but as soon as the Pope attempted to intervene in any other way, Gallican susceptibilities were at once aroused in most alarming fashion."[36] The center's efforts to place before its tribunal four French bishops who had espoused Jansenism were effectively sidetracked by the French insistence that instead they be tried by 12 French bishops, who could be expected to reflect a polycentric organizational orientation.[37] The matter thus dragged for years, until the death of Alexander VII. Bitterness built up on both sides and each hinted that the other had in effect betrayed the true faith.

The change in central leadership (which in Catholicism usually is handled more efficiently than in Communism) created a new situation. The successor, Clement IX, elevated in 1667 with French support, was quickly approached by the deviant churchmen who, while formally apologizing, promptly blamed the rift on the Pope's predecessor. In effect, they seized the opportunity to try to reduce the quarrel to a merely posthumous personal issue.[38] Since both Rome and Paris were predisposed to compromise (and the Jansenists, as deviants, could only welcome it since it would keep them within the organization), an arrangement, involving the *pro forma* submission of the recalcitrant bishops to Rome was hammered out in 1668–1669. However, Rome was advised by its delegate not to publish anything which would make it appear as a total capitulation and to ignore evidence which suggested that the bishops' submission was insincere and very limited.[39] "In the end, Rome had to be content with the subscription of the four and to take its sincerity for granted. 'The Pope only judges of external actions,' Cardinal Rospigliosi observed . . ."[40] Khrushchev might have said the same after obtaining Liu Shao-chi's signature to the December 1960 declaration. The strategy of conciliation thus involved a deliberately staged reciprocal ritual.[41]

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[29] "Dogmatism and sectarianism . . . lead to the isolation of Communists from the masses. . . ." N. Khrushchev, speech of January 6, 1961.

[30] Pastor, *op. cit.*, vol. 31, p. 198.

[31] *Ibid.*, vol. 29, p. 146.

[32] ". . . the severity of the Jansenist principles, excessive though it was, operated in favor of the party." *Ibid.* vol. 31, p. 261.

[33] *Ibid.*, pp. 225–227. In this, too, there are contemporary parallels. For instance, the Albanians like to cite the Chinese on the subject of revisionism.

[34] But even here he equivocated somewhat. He thus made a distinction between infallibility of dogma and fact. *Ibid.*, vol. 31, pp. 174–175.

[35] *Ibid.*, p. 216.

[36] *Ibid.*, pp. 199–200.

[37] Compare to the Soviet effort to restrict the discussion of Chinese dogmatism only to the bloc, and the Chinese insistence on the participation of 81 parties. See my *The Soviet Bloc*, the Epilogue, *op. cit.*

The short-range effect of the "Clementine peace" was to legitimize continued Jansenist activity in France and even to facilitate its growth.[42] The center, however, persevered in its policy of moderation,[43] maintaining silence while still fully encouraging various other units of the organization (in this case, the Spanish and Hungarian clergy) to condemn the French deviation.[44] Skirmishes and occasionally bitter clashes continued, but the Jansenists were fighting a losing battle. With Arnauld's death in 1694 the doctrinal mantle passed to Pasquier Quesnel but even pro-Jansenist writers concede that Jansenism was in its decline.[45] With the doctrinal vigor of the deviation weakened by the death of its most vigorous spokesman and with its influence on the French monarchy waning, more energetic measures of suppression could be applied. Early in the 18th century two Papal bulls condemned Jansenism and the French royal authorities no longer opposed their enforcement. The issue was simply no longer a crucial one and the fundamentalist zeal had expended itself. Isolated pockets of Jansenism persisted but on a socially insignificant scale.

It could be argued perhaps that the center's policy of restraint and covert manipulation had weakened the doctrinal cohesion of the movement's organization, but the alternative which had been avoided was that of a split. It had been skirted because the highly doctrinaire deviant had an inherent inclination not to cast himself out of the common fold, while the center, aware that France might be lost if the deviation became defiance, played the game in such a manner as not to destroy all the binding elements. This meant, of course, that the deviant enjoyed a measure of impunity but at the same time his oft-proclaimed loyalty to the center was bound to become politically operative when the divisive issues ultimately lost their conflict-fed sense of urgency.

Before turning to the general implications of the foregoing, a briefer survey of another aspect of the Church's history in that period is revealing. Catholicism in the 16th–17th centuries, much as Communism today, seemed to have reached its zenith in Europe, and increasingly it saw its fulfillment in what today would be called the underdeveloped lands. Missionary work, particularly in the Orient, seemed full of promise. The Chinese Empire offered a particularly appealing target and late in the 16th century the first Jesuit missionaries succeeded in penetrating its hitherto sealed frontiers.[46]

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[38] This is what Khrushchev did in 1955–56 when he blamed Stalin for the quarrel with Tito; and this the Chinese might do after Khrushchev's death, or the Soviets after Mao's.

[39] Pastor, *op. cit.*, vol. 31, pp. 385–392. This arrangement bears great resemblance to the Tito-Khrushchev compromise whereby the Yugoslavs acted as if the Soviets had repudiated all the Cominform declarations, while the Soviets knew that this was not the case but remained silent. Similarly, when Rome placed on the Index a prayer book written by one of the pro-Jansenist French bishops, the Papal nuncio did not publish the decree in France. *Ibid.*, vol. 31, p. 359.

[40] *Ibid.*, p. 385.

[41] The above decision did not come easily. A vigorous debate took place within the top councils of the organization's center, and sharply conflicting points of view were presented. Some cardinals advised acceptance of the compromise since "the sincerity of the subscription was vouched for by a public document, whereas the opposite rested solely on rumors and unreliable writings", *Ibid.*, vol. 31, p. 395. The opposite point of view warned against accepting the alleged submission when it was well known that it was not genuine. Cardinal Albizzi who handled much of this matter pleaded: "I cannot suffer that an attempt should be made to persuade the world that this heresy had been destroyed, seeing that in spite of its seeming destruction it appears more vigorous than ever" (*ibid.*, p. 396). It may be assumed that Moscow has also faced similar dilemmas. There is evidence that on the Yugoslav issue Molotov pleaded with Khrushchev not to create the impression that Yugoslavia is again orthodox since it would undermine international Communism. (*The Soviet Bloc*, pp. 175–177.)

[42] Pastor, *op. cit.*, vol. 31, p. 485 for data.

[43] *Ibid.*, vol. 32, pp. 424, 656 ff. for efforts to kill with kindness.

[44] *Ibid.*, pp. 310–312.

[45] Tollemache, *op. cit.*, p. 250.

Conscious of the intense Chinese self-esteem and xenophobia, the Jesuits proceeded with utmost caution and discretion. Since foreigners were generally not allowed to settle within the Empire, and since foreign proselytizers were certain to be kept out, the Jesuit fathers carefully avoided any specific identification with Christianity and in their petition to the Chinese authorities, seeking the right to settle in China, they (in the words of Father Ricci) "explained that they were members of a religious order, who had left their native land over distant seas, attracted by the fame of the Chinese Empire . . . that they intended to remain here for the rest of their lives, and that all they wanted was a small plot of ground to build a house, and also a church in honor of the King of Heaven. . . . Neither in this request nor in any other way was any mention made of Christianity. . . ."[47]

The Jesuits were quick to adapt themselves to Chinese customs, applying their founder's injunction that "we may *ad bonum* approve or agree with someone in regard to some one thing that is good, passing over other bad points, and thus by winning his confidence we further our good object; by going in with him we come out with ourselves."[48] They tolerated Chinese ancestor-worship on the grounds that it merely involved filial veneration, and they praised Confucius as a wise philosopher.[49] After a quick appraisal of the Chinese social-political structure, the Jesuits adopted the dress, the customs and the status of the *literati* and cultivated the upper classes. In their appeal to them, the Jesuits at first avoided outright proselytization, but instead attempted to impress the Chinese with European science and gadgets. For example, they gained the right to establish residence in the province of Canton by presenting a mechanical clock (a device unknown in China) to the governor.[50] Later, having gained entry into Peking through the presentation of similar gifts to the king, "the esteem which the Jesuits enjoyed at the Imperial Court grew still further when, in 1610, they foretold the date of an eclipse of the moon with greater accuracy than the native astronomers."[51] Father Ricci himself at various stages of his remarkable mission overcame Chinese suspicions by making for them detailed maps and globes of the world (and carefully putting China in the middle so as not to hurt Chinese self-esteem); by presenting their dignitaries with clocks and watches; by installing a large clock on the outside of his mission so that people could admire it; by teaching advanced astrology and mathematics to the Chinese scholars. In his memoirs, in a chapter entitled, "Mathematics and Converts," he states that "whoever may think that ethics, physics and mathematics are not important in the work of the Church, is unacquainted with the tastes of the Chinese, who are slow to take a salutary spiritual potion, unless it be seasoned with an intellectual flavoring."[52]

It is evident from the foregoing that the "soft sell" technique of the Soviet technical missions is neither original nor novel. Contemporary Soviet policy towards the underdeveloped lands is clearly premised on a similarly sophisticated appreciation of the depth of national sensitivities. The Soviets, by and large, have toned down direct ideological propagandization, and they calculate that Communist doctrinal advances will be a function of demonstrated Soviet technical skill. They have been de-emphasizing the revolutionary ethic, and have been concentrating on winning over the "national bourgeoisie," *i.e.*, the intellectual-political elite. Not revolutionary peasant armies but rather Soviet-trained intellectuals, mesmerized by Soviet technical achievements, will lead these nations into socialism. The similarity in the relationship of Father Ricci's clocks and astrology to Catholicism and of the sputniks and cosmonauts to Communism is striking.

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[46] For a fascinating account of Jesuit efforts in China, see *China in the Sixteenth Century: the Journals of Matthew Ricci, 1583–1610* (New York, 1953). An interesting statement of the tactical problems faced by the Jesuits is in P. Duignan, "Early Jesuit Missionaries: A Suggestion for Further Study," *The American Anthropologist*, August 1958. This account was prompted by Mr. Duignan's analysis.

[47] Ricci, *op. cit.*, pp. 142, 147.

[48] Quoted by Nigg, *op. cit.*, p. 335.

[49] Ricci, *op. cit.*, pp. 93, 96. See also Duignan, *op. cit.*

[50] Ricci, *op. cit.*, pp. 137–139.

[51] Pastor, *op. cit.*, vol. 25, p. 355.

[52] Ricci, *op. cit.*, p. 325. Elsewhere he says "The Fathers have made an effort to merit a reputation for learning, not as a matter of vain glory but with a view to the end for which they came here, namely to further the cause of Christianity, which on all occasions they purposely weave into their conversations," p. 201. Similar techniques were employed by the Jesuits, under Roberto de Nobili, in their approach to Indian Brahmins, Pastor, *op. cit.*, vol. 25, pp. 359–361.

The parallel goes further, since these moves provoked severe charges of doctrinal laxity within both international movements. Just as the Chinese Communists have given evidence of their displeasure with the Soviet approach towards the neutralist and underdeveloped lands,[53] so the Franciscan and Dominican missionary orders looked askance at the Jesuit methods in China and India, and, traditionally emphasizing other aspects of the common doctrine, they saw in these methods dangerous signals of heresy. Their suspicions were especially easily aroused since the orders had earlier differed (as the Soviets and Chinese recently have) on matters pertaining to internal reforms within the movement's organization. Thus, for example, the Dominican Alfonso de Avendano had spent 17 years (1577–1594) preaching that the Jesuits were "secret heretics, hypocrites, and pharisees."[54] Some Dominicans, furthermore, had been sympathetic to the Jansenists. The feeling was widespread among many Catholics that the Jesuits "adapted their teachings too freely to the spirit of the world. . . ."[55] Moving into the Orient, the Franciscans, therefore, proceeded to apply their own more direct strategy: "Crucifix in hand they preached in the open streets and public places, condemned to the deepest hell Confucius . . . and proclaimed that every kind of veneration of ancestors was unlawful; the Jesuits' caution with regard to Confucius and the veneration of ancestors they condemned as connivance at idolatry."[56] It may be assumed that the predominance of the Spanish Conquistador tradition among the Franciscans and Dominicans had something to do with their attacks on the predominantly Portugese and Italian Jesuit missionaries. National differences thus probably intensified the tension.

Although the Franciscan methods quickly backfired by provoking Chinese violence (one is tempted to think of possibly varying Soviet and Chinese communist guidelines to the Iraqi Communists and of the ill-fated Kirkuk uprising)[57] the debate persisted. In effect, the center was faced with the now familiar question of determining the proper balance between the universal and the particular. Wisely, however, no quick decisions were reached. The matter was deliberated; missions travelled to and fro the Orient (consuming years in the process); commissions were appointed. The formal solutions finally adopted by Rome tended towards compromise: in 1645 the Jesuits suffered a setback; in 1651 they recouped some of their losses.[58] However, just as the Jesuits effectively argued after 1645 that the center had not been appraised of all the relevant facts, so after 1651 the other orders similarly felt that the concessions now granted to the Jesuits were based on improper information, and they simply would not take advantage of such doctrinal shortcuts. But with time, they gradually relented as practice showed the advantages of Jesuit efforts.

Several factors helped to contain the dispute, even though some outraged spokesmen at times had already charged heresy. (It is to be remembered that the issues involved were of very great doctrinal import even though superficially they may have seemed only matters of tactics.) The acceptance by the parties involved of the center's judgment as doctrinally authoritative established a certain common frame of reference even if the respective parties tried subsequently to evade surreptitiously the center's decisions. Recognition of Papal authority automatically meant the acceptance of arbitration as the method for resolving doctrinal issues. Secondly, the *esprit de corps* of the organization and the dedication of its member units to a common value system in which the specific success of one unit reflected glory on the movement as a whole meant that doctrinal issues which could be tested in action (as contrasted to purely abstract ones) were not easily translatable into overt doctrinal ruptures. Thirdly, the center's handling of the problem (in part due to the slowness of communications and bureaucratization) was deliberate, which created a safety-valve and made compromises possible. Lastly, the passage of time demonstrated quietly the superiority of one method over another, thereby also helping to control potential deviationism.

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[53] Compare "Present-day leftism in the Communist movement is also manifested in both concealed and overt resistance to the Communist parties' policy of establishing collaboration with working people in the ranks of the social-democratic, Catholic and various other bourgeois-radical parties and organizations." (*Sovietskaya Rossiya*, June, 10 1960); and the warning contained in *Kommunist*, No. 13, 1960, against those who exaggerate revolutionary feelings and "call for direct revolutionary overthrow," with the following Chinese statements: "History teaches us that people's revolutions in all countries stem from the needs of the people and are the result of the development of class struggle" (*Red Flag*, No. 20–21, 1960), and "The modern revisionists and certain representatives of the bourgeoisie try to make the people believe that it is possible to achieve socialism without a revolutionary party. . . . This is sheer nonsense and deception" (*Red Flag*. No. 8, 1960). See Hudson et al, *op. cit.*, for detailed treatment.

[54] Pastor, *op. cit.*, vol. 25, p. 150.

[55] Nigg, *op. cit.*, p. 351.

[56] Pastor, *op. cit.*, vol. 29, p. 250.

[57] The Communist Kirkuk rising took place in July 1959. *The World Marxist Review*, April 1960, contains a self-criticism by the Iraqi C. P. which reveals that an allegedly dissident group of Communists was responsible for this highly premature action.

[58] See Pastor, *op. cit.*, vol. 31, pp. 165–169 concerning the disputed practices.

A 17th century outside observer might have expected a different outcome. An imaginary analyst, employed either by an interested non-Catholic power in, for instance, A-CIA (The Anti-Catholic Information Association) or, let us say, by the Constantinople CAND (Catholic Analysis and Development Center) might have quickly dismissed the common doctrine as an irrelevant factor to his analysis, especially since, being external to it, he would find it difficult to grasp the doctrine's special universalizing function of self-identification. The analyst, furthermore, would have been very conscious of the relatively recent split in Catholicism, and might hence have tended to interpret every limited scrap of evidence, culled from Jansenist pamphlets or from discreet Jesuit or Franciscan "leaks," as signalling the likelihood of a new rupture. Internal doctrinal deviation coupled with evidences of internal strategic differences, based in part on nationalism, would have seemed to augur a dark future for the international movement's organizational unity.

IV

Perhaps certain lessons relevant to analysis of developments within contemporary Communism are to be learned from this very brief survey, and they may even serve as a modest point of departure towards a "doctrinal conflict and deviation-control manual." International Communism, a doctrinally oriented movement of various nationally based Communist parties, is inevitably involved in perpetual internal bargaining designed to establish common doctrines, common strategies, and to resolve conflicting interests or views. Since the CPSU is still by far the most powerful and authoritative party,[59] it follows that its basic preoccupation is with minimizing doctrinal divisions and with preventing any one unit from assuming the stance of outraged doctrinal self-righteousness. Harmonious unity avoids situations which could lead to a challenge to that primacy. On the other hand, the various other units, and particularly those which have some claim to speak authoritatively, especially the CCP, by adopting doctrinally deviant positions and arguing about them with the center, indicate clearly that their purpose is to persuade the center to change its position even while preserving internal organizational unity. The very fact of argument indicates absence of a desire to defect but also signals the possibility of a challenge to unity. However, the dynamic of argument can subsequently generate sufficient heat to cause defiance, or defection or condemnation, *i.e.* the process of escalation.

The weaker but skillful deviant, therefore, especially in the beginning, acts as if there were no distinction between his and the center's doctrinal position, even if he should suspect that the center has strayed from the "truth." On the contrary, he studiously and monotonously reiterates his allegiance to the movement, while appealing to some earlier and mutually respected source of its doctrine. This forces the center either to tolerate the deviation, allowing it perhaps to spread, or to take the first step in joining the issue, in effect launching a process of argument which it naturally would prefer to avoid. The skillful deviant makes the choice difficult by his strategy of ambiguity—always implying the possibility of his returning to the position of doctrinal subordination while gradually consolidating his position and probing the international movement for other sources of support. This prevents the center from issuing public threats since the issuance in itself implies conflict and, with the center presumably wishing not to precipitate conflict, forces the center into silence. Informal threats, on the other hand, can be deflected by the deviant through equivocation, requests for further explanation, etc.

The deviant, furthermore, may protect himself against the center by using his assets of weakness or of fanaticism or both. "The asset of weakness" involves pleading sympathy with the center's doctrinal position but inability to enforce it. Thus the center is faced with a situation in which the alleged deviant pleads doctrinal orthodoxy in principle but deviates doctrinally in practice. The choice then is whether to punish the deviant for a situation which he, indeed, perhaps truly may not be able to control. For instance, the University of Louvain pleaded lack of competence to enforce a Papal Bull against the Jansenists while not questioning the validity of the Bull.[60] Similarly, Gomulka accepted in principle socialism in agriculture but pleaded that he could not enforce collectivization.[61]

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[59] There is an inclination in some quarters to exaggerate the present power of the CCP. It is to be remembered that China's general backwardness, overpopulation, economic difficulties, etc. all place it in a position *vis-a-vis* the USSR analogous in many respects to that of India *vis-a-vis* the United States in the non-Communist world. It is curious that when India is discussed its overpopulation is normally mentioned as a factor of weakness. When talk shifts to China, then the same factor is normally mentioned as proof of China's power.

"The asset of fanaticism," *i.e.*, being more doctrinally extreme than the center, restrains the center by implying to it that the deviant "has his heart in the right place but is a little extreme." The effect is similar to that achieved by the advantage of ignorance in a mixed-motive game "if it is recognized and taken into account by an opponent."[62] Furthermore, within a doctrinally oriented movement the fanatic usually can protect himself by "literalism," *i.e.*, by citing texts, thereby forcing the center into the more difficult position of having to prove that its own novel interpretations, often necessitated by changing social conditions, are still in "the proper spirit" of the doctrine.[63] The fanaticism, furthermore, carries with it a degree of commitment which may inhibit the center's reaction out of fear of prompting an irrational defiance by the deviant.[64] Indeed, under certain circumstances, it may even be advantageous for one of the protagonists, usually the weaker, to acquire some uncertainty about himself in order to minimize predictability: *e.g.*, the alleged Jesuit reputation for "duplicity" or the inscrutability and vagueness of the Chinese Communists. (Apparently the Soviets have complained that the Chinese use of aphorisms is complicating "comradely" discussions.)

Lastly, the deviant in order to support his position can mobilize non-doctrinal commitments which then are cloaked in the doctrinal mantle. It is noteworthy that Luther, Arnauld, Tito, Mao and Hoxha, all of whom would consider themselves as strict exponents of the doctrine, used nationalism as a source of power to buttress their doctrinally deviant positions.

In responding skillfully, the center must be careful to take advantage of those factors in the posture of the deviant which inhibit the potentially dynamic escalation of deviation into defiance or defection.[65] As long as the deviant acknowledges the principle of organizational unity, the organization enjoys a long-range advantage. Deviants die, the organizations go on.[66] But if the center abandons self-restraint, and cuts off the heretical limb before waiting for it to wither, the limb may sprout its own roots and grow into a tree. That was Stalin's mistake with Tito which Khrushchev has so far avoided with Mao. An open condemnation, furthermore, involves an irrevocable doctrinal commitment, creating a gulf which subsequently may be very difficult to bridge without the outright capitulation of one of the parties. Khrushchev discovered this when seeking a reconciliation with Tito.

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[60] This tactic was used by the University of Louvain when confronted by instructions from Rome. See Pastor, *op. cit.*, vol. 31, p. 263.

[61] The center can also use this dodge to protect itself against claims. For instance, the public Soviet emphasis on achieving a higher standard of living can be seen as a form of commitment to a third party (*i.e.*, its own people) which makes it difficult for the Soviet Union to respond fully to the demands of its allies for economic aid. *E.g.*, when China demands greater aid, the Soviet leadership can point to its public commitment as an excuse for not giving it.

[62] T. Schelling, *The Strategy of Conflict* (Cambridge, Mass., 1960), p. 161.

[63] Khrushchev had to face this difficulty in 1960 when criticized by the Chinese. He responded that "If we act like children who, studying the alphabet, compile words from letters, we shall not go very far. Marx, Engels and Lenin created their immortal works which will not fade away in centuries. . . . On the basis of the teaching of Marxism-Leninism we must think ourselves, profoundly study life, analyze the present situation and draw the conclusions which benefit the common cause of communism." (Speech of June 21, 1960). The more "revisionist" the position, the more difficult it is to resist "literalist" criticisms. The Chinese warned that "as pupils of Lenin and as Leninists, we must utterly smash all attempts of the modern revisionists to distort and carve up the teachings of Lenin." (*Red Flag*, No. 8, 1960.)

[64] This gives the physically weaker but more extreme deviant a bargaining advantage. If, for instance, in the Sino-Soviet dispute the Soviet and Chinese preferences were as follows:

Soviet

(1) Only Moscow speaks for the movement on doctrinal issues.
(2) Neither speaks; *i.e.*, agreement to silence.
(3) Both speak, *i.e.*, open dispute.
(4) Only Peking speaks, *i.e.*, capitulation.

Chinese

(1) Only Peking speaks. . . .
(2) Both speak, *i.e.*, open dispute.
(3) Neither speaks.
(4) Only Moscow speaks, *i.e.*, capitulation.

then, using game theory, the advantage would rest with the Chinese. See R. D. Luce and H. Raiffa, *Games and Decisions* (New York, 1958), pp. 146–149 for alternative mathematical calculations, on the basis of a payoff matrix, of relative scales of advantage. (The above example is adapted from their use of two individuals resolving a problem of conflicting choices.)

[65] The center must watch out against the danger that a precipitous condemnation of the deviant can actually force distantly potential deviants into deviation. For instance, the Dominicans feared that condemnation of Jansenism would reflect on them (Pastor, *op. cit.*, vol. 29, p. 118). Might not some Communist parties object to an explicit condemnation of the dogmatists for fear that this would reflect on them as well?

Restraint, furthermore, is more advisable in the case of fanatical, fundamentalist deviants than in the case of those who wish to moderate and dilute the doctrine. The former, in the final analysis, can still be counted as adherents to the common doctrine in terms of still being *against* (and even more so) the common enemy. In the latter case, the shift is toward the camp of the enemy. But even in the latter case, the deviant is normally very careful to avoid any identification with the enemy and, as long as this is the case, the internally unifying doctrinal self-identification still exercises pressures for unity.[67]

An open condemnation of doctrinal heresy should either accompany or follow the physical liquidation of the deviant. Issuing it in the expectation that it will cause his liquidation or submission is not likely to be effective if the deviant enjoys local, nationally based organizational backing and is given no choice but to mobilize it for the defense of his position and life.[67a] Rather, since early in the game the deviant normally wishes to avoid a schism[68] but is also concerned with proving to his own local organization that it must swim or sink with him, and since furthermore there are normally groups within his organization which would like to displace him and can take advantage of the friction with the center to attempt to do so, it is to the center's advantage to pose as the moderate party seeking reconciliation. Doctrinal arguments, even if covert, lead to the doctrinal crystallization of the deviant's position, which tends to be quite rigid once it has taken shape. Restraint gives opposition elements within the deviating local unit an opportunity to argue that their deviant leadership is recklessly and unnecessarily rupturing the international organization's unity. A useful device here might be to invite the deviating leader for conversations with the center: this puts the option up to him—to refuse to go is to take the initiative in splitting; to go is to take a certain personal risk.[69] The desirable quality of ambivalence in this invitation would be increased if the past record could not provide the deviant with much certainty of either a safe return home or an untimely demise.[70]

As long as the deviant still sees himself as part of a doctrinally bound family, fear of isolation is a powerful restraining factor available to the center. Just as Rome took advantage of the loyalty of the peripheries to subtly restrain the French, so Moscow in 1960 attempted to isolate the Chinese and the Albanians. Here the fanatics are more vulnerable than the moderates since they have nowhere else to go. For this reason an outright condemnation should be delayed, while the fear of it, to which even a deviant is susceptible since he still sees himself as sharing in the common undertaking, should not be diluted by threats. Besides, partial direct reactions (*e.g.*, counter-arguments) on the center's part have the double disadvantage of suggesting weakness and of stimulating further disagreement; thus, the suspended and undiluted fear of condemnation is a better deterrent in a situation which has no easy way out. This may be true even if the deviant, aware of his importance (*e.g.*, China), doubts that the center would take such an extreme step: he may doubt it but he cannot be certain.[71] Dilution increases his security and hence impunity.

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[66] For this reason, posthumous personalization of deviation has some merit since it allows room for hope that unity ultimately will be restored. However, premature personalization runs the risk that emotion may obscure reason. We might thus distinguish between spontaneous, personal conflict—one involving the role of personal antipathy or of personality which tends to become emotional, direct, and all-out; and protracted, institutional conflict, which leaves greater room for skilled management and more tacit bargaining (*cf.* Schelling, *op. cit.*, p. 21).

[67] See Modelski, *op. cit.*, p. 67, for in-system conflict resolution. It is revealing to observe that after the Suez crisis, the British Conservative and Labour Parties were also much more lenient with their respective "fundamentalist" deviants than with their "moderates." See L. D. Epstein, "British M.P.s and their Local Parties: the Suez Cases," this REVIEW, June, 1960, esp. pp. 381–385.

[67a] Alternatively, it might be issued when the opponent is already in the process of being defeated. Presumably this was why Abraham Lincoln, who had insisted earlier that preservation of the Union, not slavery, was the issue in the Civil War, delayed the Emancipation Proclamation until after he had significant victory on the battle field to give it weight. (I am indebted to Professor Mansfield for this observation.)

[68] Luther, Arnauld, Tito, Hoxha, all apparently started off with no desire to split.

[69] Arnauld, Luther, Tito refused; Gomulka went in 1956; Hoxha apparently hesitated. Many of Gomulka's friends urged him not to go.

[70] This might be called the center's asset of inconsistently uncivilized behavior.

Indirect and ostensibly irrelevant reactions are another weapon of doctrinal conflict, in addition to the techniques of "indirect-type dialogue" and "enemy-by-analogy" already mentioned. Avoiding any *direct* relevance to the issues at stake and formally maintaining the position that no disagreement is involved, such reactions can convey the center's displeasure without permitting the deviant to assume the pose of the aggrieved party and to mobilize local support which becomes convinced that it has no choice but to resist the center. Slowing down economic aid, granting fewer honors (but still granting *some*), addressing anniversary greetings to the unit but failing to mention its leaders, downgrading the deviant's doctrinal standing—these are insufficient to provoke a rupture but can weaken the internal position of the deviant and provoke factional struggle within his realm.[72] Furthermore, if the issue is sufficiently acute, it may be advisable to select some insignificant section of the international movement for forceful condemnation and destruction as a lesson to others. Failure to liquidate rapidly and physically the moderate Gomulka in 1956 (which presumably could have been done, although at unpredictable risks) gave the fanatical Hoxha a certain amount of security in 1961.[73] And Hoxha's condemnation in 1961 or 1962, while creating a new split, would at least have the effect of increasing credibility for Soviet seriousness while putting before the Chinese the difficult option of responding, or not, to an accomplished fact which ostensibly does not concern them.[73a]

But even if the center decides to take such an indirect, but extreme, step as condemning Hoxha to influence the behaviour of the more important Mao, it is still desirable to find means of giving Mao some advance warning, sufficiently ambiguous to prevent a counter-warning but clear enough so that the step itself cannot be subsequently interpreted as an effort to take Mao by surprise. Irrevocable, surprise moves, such as a sudden condemnation, intensify the conflict by eliminating the stabilizing factor of mutual anticipation. They are only desirable in a post-defiance or defection situation, *i.e.*, in a case of outright conflict.[74]

The foregoing "praxeology"[75] of deviation control is derived from the mixed-motives character of doctrinal conflict. Significantly, in such conflict the opponents have generally tried to keep their disagreements confidential; and sometimes even after a doctrinal rupture they have cooperated in protecting the internal secrets of the movement from "outsiders."[76] Secrecy not only gives them a certain flexibility and allows them room for maneuver; its cause is more deep seated than that. It is rooted in their mutually shared sense of distinctiveness as compared to the rest of the world and in the self-restraint imposed on them also by the very existence of that world. Both China and the USSR think of the United States every time they exchange mutual accusations, and the United States cannot help but restrain deviationist tendencies within Communism. Furthermore, if the movement as a whole is experiencing the self-invigorating sense of fulfillment in its mission of world expansion,[77] the divisive

[71] See Schelling, *op. cit.*, p. 115, for a discussion of the role of "inherently unknowable factors."

[72] Thus, for example, the general theme that no country can build socialism alone (with its implied threat of isolation of China) was certainly more credible when quietly accompanied by illustrative steps—gradual shutting off of her supplies, etc.

[73] This has resulted in a paradoxical situation whereby Tito, who is outside the Communist orbit, is closer to Khrushchev than Hoxha, who is within it. See the excellent discussion in W. E. Griffith, "Peiping, Tirana and Moscow," *East Europe*, July 1961.

[73a] This paper was submitted for publication prior to the open Soviet attack on Albania in October 1961, and not revised in the light of subsequent events.

[74] The sudden Soviet move against the Chinese in Bucharest in the summer of 1960 did much to intensify the bitterness.

[75] The fullest and most systematic treatment of the nature of praxeology (principles of correct, rational decisions) is in T. Kotarbinski, *Traktat o dobrej robocie* (Warsaw, 1955).

[76] The Yugoslavs are a good example.

[77] See Modelski, *op. cit.*, p. 23 for a discussion of system-orientation towards expansion. The analogy here is between the attitude of a given Communist state, even a deviant one, toward a general Communist expansion, and the attitude of a Christian state toward the crusades.

tendencies within tend to be submerged by the political momentum of its forward thrust and by the emotional satisfaction of personal triumph on the part of the individual members.

The stabilizing effects inherent in the common doctrine, which provides a mutually understood framework for communication,[78] and of the conflict-limiting factor of distinctiveness, which makes alliances outside the doctrine very difficult, are at their greatest if the international organization possesses an acknowledged doctrinal arbiter. An organization built around an absolute dogma requires this arbiter to avoid splits. The church as an organization sought him by rooting Papal authority in the dogma of infallibility. Indeed Catholicism probably preserved itself as a major unified force by taking that step. Otherwise, it might have become a loose federation of various national units, with very differing doctrinal commitments. Stalin's infallibility derived only from an authority which rested primarily on power, and the remaining vestiges of both were destroyed by Khrushchev in 1956. One may justifiably speculate (leaving Soviet domestic considerations apart) whether Khrushchev's position with *international* Communism would not have been stronger today if he had not destroyed the element of legitimacy inherent in his own past Stalinism and in his successorship to Stalin.

As it is, the recent divisions between the Chinese and the Soviets, while still restrained by the factors mentioned above, necessarily become contests for doctrinal primacy. The relationship is thus different from the Franciscan-Jesuit conflict which could ultimately be resolved through their mutual recognition of Papal authority, just as the 1957 tensions of the East Germans and the Czechs with the Poles could be arbitrated by Moscow, especially after the November 1957 reaffirmation of Soviet leadership. The ability of the Chinese to act in spite of Soviet guidance, and the eventual proclamation in December 1960 of the CPSU's *non-leadership*[79] mean that doctrinal divisions can no longer be effectively arbitrated, but only negotiated, within the organization. This is a politically grave liability, inhibiting expeditious deviation control.

This liability, however, is balanced by two factors. First, the Communist doctrine is so action-oriented that pure, abstract issues (such as those raised by the Jansenists) do not become the fulcrum of disputes. True, to western pragmatists even the discussion of the nature of imperialism or of the transition to Communism, or of the nature of our era, may already appear to involve relatively abstract, unreal issues, and the tendency to discuss them as matters of general principle seems entirely alien to a western observer. Nevertheless, these issues are far more closely related to material reality than some of the issues raised by the Jansenists, and they furthermore do serve as points of departure for action.[80] Thus while the absence of a recognized arbiter doubtless stimulates acute tensions,[81] at the same time the rapid pace of events in our age permits a much more rapid testing in action of the alternative doctrinal approaches, thereby establishing a somewhat more objective standard of judgment. This seems already to have happened in the Sino-Soviet dispute.[82]

Second, the absence of an arbiter is at least partially offset by the CPSU's constant efforts to establish itself, again through practice, as the unit of the international movement closest to the stage of doctrine-fulfillment. Its emphasis on "objective" material demonstration of this proximity is designed to ward off possible challenges based on such "subjective" factors as mass zeal and revolutionary will. At the same time, space achievements help to underline the Soviet Union's primacy by underscoring its technical leadership in an age of technology and science. Both of the foregoing factors tend to compensate for the absence of a formally recognized doctrinal arbiter, and give the USSR a privileged position.

Another difficulty which both international movements have experienced involves the tendency already noted in this paper, for doctrinal deviations to support themselves on a national base. Since nationalism is still intense, and since international Communism is composed of nation-states and nationally based parties, Communism is particularly exposed to its challenge. Stalin's solution, to put it most simply, was to suppress it. The violent and divisive reaction which this prompted has resulted in a far more sophisticated approach, which aims at providing such close underlying economic and social ties that eventually national interdependence will make national-based deviation much more difficult to sustain. At the same time, all the elites make a great effort to educate their future successors in the common doctrine and strive to develop in them a sense of common identification.

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[78] This was well illustrated by the difficulties encountered by Westerners in deciphering the various moves by Tito in 1955–1957 and by the Chinese more recently.

[79] Brzezinski, "The Challenge of Change in the Soviet Bloc," *op. cit.*, for a discussion.

[80] R. S. Tarn, "Continuity in Russian Foreign Policy," *International Journal*, Autumn, 1950; Brzezinski, *Ideology and Power in Soviet Politics* (New York, 1962), ch. 4. See also the symposium on ideology in A. Dallin, ed., *Soviet Conduct in World Affairs* (New York, 1960).

[81] A good discussion is in R. Lowenthal's contribution to his volume with Hudson, *et al.*, *op. cit.*

[82] See A. Halpern, "The Chinese Communist Line on Neutralism," RAND Mimeograph Study 2026, July 1960; D. Zagoria, "Sino-Soviet Friction in Underdeveloped Areas," *Problems of Communism*, March–April, 1961; T. Thornton, "Peking, Moscow and the Underdeveloped Areas," *World Politics*, July 1961; A Whiting, "Moscow and Peking: Suspended Dialogue?", *Current Scene*, June 21, 1961.

Looking into the future it may be worth remembering that deviation is the rule in doctrinally oriented international movements. It is difficult to conceive of circumstances in which such an international movement, action-oriented and composed of a variety of homogeneous units, each with a special interest, national perspective and power, could avoid internal doctrinal conflicts, with some units deviating one way or another. The ebb and flow of this persisting condition can be described as a dynamic state of *divergent unity.* This condition arises because the movement cannot avoid the process of differentiation, which is a function both of scale and of its having become an international organization. A triumphantly expanding doctrinal movement, with an allegedly universally valid program, can be said to go successively through a stage of universalization, with its principles accepted or imposed almost *in toto* on other societies; and then, when these societies develop their own doctrinal elites, a stage of particularization. The clash of the two, with its occasionally painful adjustments, may result in the retention of the universal doctrine and of unity, but with a far greater degree of diversity permitted within the international movement. Otherwise, the alternative is an open split. The common but originally absolutist doctrine thus gradually becomes relativized.

This relativization slowly dissipates doctrinal vitality. It vitiates the dichotomic sense of distinctiveness from non-members, and weakens the concomitant fanaticism. More than this, it can in turn cause within some units of the international organization a process of erosion of the doctrine to the point where the doctrine gradually becomes an empty, formal vessel, even if currency is still given to some time-honored slogans. At the same time, in others, by a process of reaction, it may then prompt outraged doctrinal revivalisms and, depending on the nature of the general world context, cause more or less intense clashes.

Focusing more specifically on international Communism, it is hence most unlikely that the international scene will soon see a realignment of forces which pits, as some seem to expect, a Soviet-American coalition against the Chinese Communists. For this to happen a major domestic transformation of the Soviet system would be necessary, with its Communist elite losing all hope of Communist victory, in effect moving over into the doctrinal position of its erstwhile enemies, and consequently giving up its doctrinal claim to domestic power. This transformation could only occur in conditions of prolonged international stability. A lengthy international stalemate, with its dangerous implications of doctrinal boredom, is the condition most likely to lead to major internal stresses in international Communism, with potentially excessive reactions on the part of the more impatient units. However, such an impasse is very unlikely since it would have to include not only the so-called western world but also the underdeveloped areas which at the moment seem to offer the best revolutionary prospects.

In the more likely condition of dynamic international change, either involving developments increasing the sense of Communist momentum or events which seem to them to imply a turning of the tide against Communism, the pressures for unity may be fed by optimistic feelings of doctrine-fulfillment or by the quest for mutual security. Admittedly, the forward thrust of expansion can produce its own divisive reactions: for instance, the more radical members may begin to urge even more energetic steps to accelerate the process. But it appears highly unlikely that the division would be deep enough to make one of the units take the ultimate initiative of splitting or eventually even siding with the "historically doomed" enemies. More acute difficulties could occur in the event of sustained defeats, with mutual accusations of ineptness, lack of commitment, etc. generated by them. However, it is likely that the very conflict with the outside enemy which led to such defeats would have intensified the hostility of the members of the movement for their enemies, thus helping to contain the divisive pressures.

Of course, unforeseen factors can intervene in any of these hypothetical projections. Clumsy responses by either side can promote splits since they contribute to the escalation of conflict. The succession problem is also an unpredictable factor.

A sudden change in Moscow or in Peking could intensify the conflict by getting it involved in the succession-struggle. On the other hand, to the extent that the existing deviation may be a function of personal animosity among the leaders, the divergence could actually narrow. To predict this one would have to know much more about the personal relations prevailing among the Communist leaders.[83] On the whole, however, it may be said that the inherent and normal deviations are (1) least likely to generate acute conflicts when the movement is engaged offensively and is successful; (2) more so when the movement is on the defensive; (3) most likely in conditions of frustrating stalemate. Furthermore, till now, the relatively rare cases of major defection or expulsion have not only occurred in conditions of relative stalemate, but they probably could have been avoided if the parties involved, especially the center, had been less inept and more flexible. Finally, both parties have usually regretted the split, especially since an expansion-oriented doctrinal movement cherishes its dynamic sense of statistical or territorial growth. A break inescapably involves a doctrinally embrarrassing retrogression, and experience has shown that it is very hard to repair.

Provided the leaders exercise a minimum of skill in deviation-control, along the lines sketched above, splits can be avoided. At the same time, the very appearance of divergent unity, with its reliance on deviation control to prevent splits, is a reflection of the very gradual underlying process of differentiation, relativization and erosion. Each successful case of deviation control involves perhaps only a small measure of further doctrinal relativization, but it still always involves some. Through this relativization the doctrinal movement as a whole eventually may lose some of its overt militancy. Hence it appears that deviations, contained but not crushed, are the handmaidens of history, stimulating the inevitable internal evolution of doctrinal movements.

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[83] An obvious rule-of-thumb runs as follows: the death of friendly leaders always makes relations worse; the death of unfriendly leaders can improve them if the conflict has not become institutionalized by organizational clashes. For some recent discussions of the problem of succession, see: R. Conquest, *Power and Policy—USSR* (New York, 1960); H. Hinton, "The Succession Problem in Communist China," *Current Scene,* July 19, 1961; M. Rush, *The Khrushchev Succession Problem,* RAND Mimeograph Study 2283, 1961.

THE MARKET FOR STRATEGIC IDEAS IN BRITAIN: THE "SANDYS ERA"

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Britain and the United States have long taken an intense mutual interest in the methods by which they arrive at a defense policy and the two countries have frequently borrowed from each other's experience. In the last few years the British scene has been worthy of special attention because Britain has faced, in a peculiarly acute form, the universal military problem of limited resources and extensive commitments. Recently Conservative governments have tried to resolve this dilemma by plunging heavily for certain strategies and weapons: as a Minister of Defence told the Commons, "We have to pick the winners out of the stable."[1]

To set a crude financial ceiling and leave the selection of strategy and design of forces wholly to bargaining among the services is frequently regarded as an invitation to aimlessness. An obvious and tempting remedy is to compel the services to conform to a single, coherent and supposedly economical strategic doctrine. This solution carries its own risks of neglecting important aspects of the total problem and of discouraging flexible response to experience. Such a risk is especially serious in a field, such as military policy in peacetime, where there can rarely be conclusive practical tests of policy. Thus the more one searches for comprehensive strategic answers, the more important it is to enquire whether strategic ideas are debated in a market wide and open enough to offer every possible assurance of conceiving and evaluating alternatives. The recent course of British policy is of interest in this respect.

I. DEFENSE BY BARGAINING: THE PATTERN BEFORE SUEZ

The history of British defense organization at the top since establishment of the Committee of Imperial Defence in 1902–4 has largely been one of proliferating committees deriving authority from a central fount of power in the Prime Minister and Cabinet, and always claiming to preserve the principle that planning must lie with those responsible for execution. Putting the wartime expedient of a Minister of Defence on a permanent footing in 1945 followed precedent, for the new official[2] was essentially a deputy to the Prime Minister for coordinating the Services. His Ministry was a small secretariat chiefly engaged in assisting the network of committees which now supported the new Defence Committee of the Cabinet. This Committee was itself served by a reduced military section of the Cabinet Office.[3] The most important of the subcommittees, the Chiefs of Staff Committee (CSC) retained its primary responsibility to the Cabinet rather than to the new Minister. Among the other committees were and are a Joint Intelligence Committee (JIC) under a Foreign Office chairman, a Defence Research Policy Committee under the Chief Scientist to the Ministry, and the Joint Planning Committee, composed of the Service Directors of Plans, under which worked the Joint Staff. This Staff reported to the CSC but preserved the service identity of its members and, with the exception of a minute secretariat, worked in the respective service ministries.[4]

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[1] *H. C. Debs.*, Feb. 29, 1960, col. 861.

The sources are never adequate in dealing with a period so recent and a system so addicted to secrecy. While most of the facts that follow can be found in the public record, I have had to rely on many conversations with well informed participants for guidance as to which parts of the record are reliable. I cannot cite most of the individuals because they still hold official posts. They included a diverse collection of experts, such as ministers, leaders of Opposition, back-benchers, official scientists, staff officers, senior civil servants, defense correspondents and others. I can express my thanks to the Hon. Alastair Buchan and the staff of the Institute of Strategic Studies, Rear Admiral Sir Anthony Buzzard, Bt., Mr. Richard Crossman, M.P., Admiral Sir Richard Denny, Mr. John Grant, Mr. Michael Howard, Captain B. H. Liddell Hart, and Marshal of the Royal Air Force Sir John Slessor. The original work on this subject was made possible by a grant from the Social Science Research Council. None who helped me is at all responsible for any particular statement of mine.

[2] Throughout this paper the term "official" is used to refer to those connected with Government, not in the special British sense of a civil servant as distinguished from a politician.

[3] Many members of the Ministry of Defence are seconded temporarily from the Service Ministries; the Cabinet Office in turn draws on the Service Ministries and on the Ministry of Defence.

It is a feature of the British system, sometimes envied by others, to conceal both its methods and its achievements. But results cannot be hidden forever and the performance of the postwar machinery was disappointing. As a result a number of modifications were in the making even before the Suez crisis of 1956 precipitated some far-reaching changes.

The chief failing of the system appears to have been the typical tendency of committees to decide by compromise rather than reason. Though the postwar years saw an understandable shift of resources to the air arm, the allocation of money year by year seems to have proceeded more on the basis of "fair shares" than a coherent overall strategic plan. The CSC was, in fact, unable to agree on such a plan. During Field Marshal Montgomery's tenure as Chief of the Imperial General Staff (CIGS), apparently almost the only subject on which the CSC reached agreement easily was their common distaste for the Minister of Defence. Even then they quarrelled over an effort to oust him.

Making allowances for the author's contentious nature, Montgomery's *Memoirs* present a convincing picture of indecision and service jealousy. An acute shortage of funds aggravated competition by each service to maintain its appropriation, minimize the importance of other service contributions, and seize—and then frequently neglect—weapon systems which fell between the defined roles of services. A constant disagreement existed between the Army, which was anxious to secure adequate airlift, and the R.A.F. which preferred to spend its money on fighting aircraft. The Navy made repeated efforts, especially in 1954, to take over Coastal Command. Both Army and R.A.F. were sceptical of the Navy's expenditure on carriers, and a bitterly fought battle was waged between the R.A.F. and the Army as to control of certain classes of ground-to-air missiles.

Such competition for funds particularly discouraged innovation or production of "hardware", for the contest naturally took place at the margins and consequently turned in concrete fact on the survival of the least deeply rooted programs, the more so as a result of the very high "house-keeping" expenses imposed by universal military service.[5] Shortage of money was also a temptation to defer development for fear of precluding later possibilities. Thus the vice of preparing for the last war was joined by that of getting ready for the next but one. There was in fact very little weapon development other than that of the atomic bomb during the 'forties, and this is particularly true for the Army.[6]

During his years as CIGS, from 1946 to 1948, Montgomery made a number of efforts to persuade the CSC to reach agreement on a coherent strategic plan. In particular he wanted the CSC to lay down guidelines, give more positive instructions to the joint planners and abandon their tendency merely to rule on the planners' proposals. His decisive failure led him to recommend a further centralization of planning very similar to that later adopted. "We need a unified defence policy," he wrote in 1948. "We have not got one and we have no hope of getting one with our present system."[7]

If the CSC was rarely successful in arriving at a comprehensive view of national security policy in the early postwar years, its political masters did little to extract a decision from the Committee or impose one on it. Most members of the Labour Governments were not greatly interested and the Prime Minister, while personally much attracted by military affairs, was heavily engaged by economic and diplomatic crises. When Churchill returned to be his own Minister of Defence once more, he found it difficult to adjust to the peacetime necessities of management. After him, Conservative ministers of defense suffered rapid obsolescence, so that there were eight in as many years.[8]

For many postwar years governments were apparently content to set an overall financial ceiling on defense, to lay down policy on certain matters of great domestic political significance such as National Service, to rule on possible applications of force, as at Abadan and Buraimi, but to leave the allocation of the available funds to the bargaining of the CSC. The overall ceiling itself was reached by annual negotiation between the services, the Minister of Defence and the Treasury, but one gathers the result was very largely predetermined by the economic plan of the Government. When large cuts in service demands were required, this was apparently done by the Ministry of Defence in a relatively crude, across-the-board fashion.[9] Each service strove with inadequate resources to fulfill its image of a Second World War force and the disputes in the CSC offered the government a series of unconnected disputes over allocation rather than a choice of strategies.

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[4] The most recent and by far the most comprehensive history of the formal system is Franklyn A. Johnson, *Defence by Committee, The British Committee of Imperial Defence, 1885–1959*, London, 1960. This excellent informative history does not deal in any detail with developments after 1956.

[5] Some critics also believe the system of handling research and development through a separate Ministry of Supply (MOS) also hindered provision of equipment, by encouraging overspecification by the services and inflation of research and development costs by the MOS, which had no interest in output.

[6] On this see the account of Christopher Soames, *H. C. Debs.*, March 1, 1960, cols. 1050 ff.

[7] *The Memoirs of F.M. The Viscount Montgomery* (London, 1958), p. 495.

[8] Churchill, Alexander, Macmillan, Selwyn Lloyd, Monckton, Head, Sandys, Watkinson.

The opening of the 1950s brought several challenges to this system. A practical test came with the Korean War, on the outset of which, according to the admission of the Minister of Defence at the time, a 400,000-man Army had grave difficulty in putting together one combat brigade, even though the logistical "tail" was provided by America.[10] The program of rearmament which the Labour Government undertook at American urging brought home the costs of defense in an exacerbated form, entailing sacrifices of men and money that soon came to be regarded as politically unbearable and economically dangerous. At the same juncture the accession of a new Party to office facilitated consideration of change. Moreover a fortuitous collection of mutually tolerable personalities on the CSC, including Sir John Slessor as Chief of the Air Staff (CAS), a vigorous individual with a taste for broad strategic speculation, encouraged a departure from recent practice in devising recommendations to the government. The CSC set themselves aside for a few weeks and drew up an overall review of defense resulting in a policy centered on nuclear deterrence;[11] a proposal stimulated by the burden of the goals envisaged in NATO's program of conventional rearmament, and by the long-awaited fruition of Britain's nuclear effort. These decisions were accepted by the Cabinet and reflected later in the White Papers of 1953 and 1954.[12]

This departure was also accompanied by some improvement in liaison with the Foreign Office, whose representative on the CSC at the time was a personal friend of Slessor's. Also, contrary to practice, the review of defense had apparently received formal Foreign Office approval before reaching the Cabinet. Although working relations on day-to-day concerns are uniformly agreed to be excellent between the Foreign Office and the services, with intelligence handled by the JIC under Foreign Office leadership, it was widely felt that forward planning left something to be desired. An improvement was made here when, in 1950, a committee to coordinate British policy within NATO was set up under the chairmanship of the Secretary of the Cabinet, with representatives from the Foreign Office, the CSC, the Treasury and the Ministry of Defence.[13]

This achievement made Slessor as firm a champion of the CSC system as Montgomery was a critic.[14] But, leaving to one side the merits of the policy of deterrence adopted, its design owed much to fortuitous circumstances. Nor were the decisions as thoroughgoing as might appear, for, because the task of building the bombs and bombers had only begun, the bills were not yet coming in and their size was unsuspected. Thus while the positive decisions had perhaps been made, the more difficult task of pruning elsewhere had not yet begun in earnest. The role of the Army and Navy was not yet under full assault and they were left undefined scope in the notion of "broken-backed" warfare which emerged in the same White Papers.

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[9] See Emanuel Shinwell's account of the 1951 budgetary process in *H. C. Debs.*, July 28, 1958, col. 1002. The Permanent Secretary and his staff, and particularly the Chief Scientist, were frequently the actual decision makers at the margin. Even those who claim a united recommendation by the CSC to be virtually irresistible—and such recommendations were not too common—make an exception for cases where the military view calls for overall increases in defense expenditure and where Treasury restraint is powerfully backed in the Cabinet by a natural reluctance of all other departments to see a larger slice of revenue for the military accommodated by a cut in their own budgets. Aneurin Bevan's resignation during the Korean War is an exception to prove this rule.

[10] *H. C. Debs.*, Feb. 28, 1961, col. 1458.

[11] This is the paper which, as advocated by Slessor in the U.S. is said to have been rejected by the Truman Chiefs, but resuscitated under Eisenhower as the germ of the "New Look." See *inter alia*, B. H. Liddell Hart, *Defence or Deterrence* (London, 1960), pp. 18–20, and Alastair Buchan, "Their Bomb and Ours," *Encounter*, October, 1958.

[12] Cmd. 8768, 9075.

[13] Max Beloff, *New Dimensions in Foreign Policy* (New York, 1961), p. 54. This book is an excellent source of information on many aspects of British administration.

[14] See his memoirs, *The Central Blue* (New York, 1957), pp. 450–63.

It therefore should not have been surprising that the allocation of resources still presented an increasingly severe problem when Sir Anthony Eden became Prime Minister in 1955. In July, after Eden took over, Selwyn Lloyd, then Minister of Defence, projected the expense of armed forces of 700,000 men—100,000 less than existing numbers—for five years as a basis for long range planning. The resulting estimate of a 30 per cent rise in costs indicated the need for major changes and in 1956 Eden inaugurated an elaborate review of defense policy by a small Cabinet sub-committee.[15] While motivated by the need for economy, Eden hoped the review would help to put planning on a basis more satisfactory than the "annual exchanges between the Treasury and the fighting Services," which clearly were in his opinion the primary determinant of the national military posture. Eden also appreciated the weakness which ministers of defense had shown in the determination of policy and attempted to remedy this by announcing, in October, 1955, an expanded interpretation of the minister's role, to include ensuring that the "composition and balance" of each service conformed to the government's policy. At the same time he created the office of chairman of the CSC. This officer (the first incumbent was the senior chief, Marshal of the R.A.F. Sir William Dickson) was to report the views of the CSC to the Minister, but the chief public justification for his creation was the expanding demands upon the CSC for representation on international bodies.[16] As an immediate start on revising the substance of military policy the Government announced reduction of the forces from 800,000 to 700,000 men. Privately, the review of 1956 led Eden to plan for reduction to about 450,000 by 1960 or 1961, accompanied by the abolition of conscription. This was to be made possible by more wholehearted commitment to nuclear deterrence.[17]

The motive of Eden's activity was immediately economic, but it had occasioned a much more than usually intense interference with the characteristics rather than just the overall cost of the services. Thus the indecision of the military seemed to be inviting initiative from above. Already in the early 'fifties, senior civil servants in the Ministry of Defence had been playing a more positive role as the arbitrators of interservice disputes. The Chief Scientist proved particularly useful for settling issues, ostensibly on technical grounds but frequently merely to secure a decision. The DRPC became an agency where, in an effort to economize in technical manpower and research facilities, decisions were being taken that in effect governed the balance of forces.[18]

The measures Eden set on foot in response to these problems had had no chance to take effect when the Suez crisis erupted. Justifiably or not, the performance of the services in that operation was widely regarded as conclusive evidence of the dangers of "trying to get something of everything and succeeding in getting enough of nothing."[19] This disillusionment, coupled with a new economic crisis and another new Prime Minister having an urgent need to refurbish his party's reputation, made it understandable that a new look should be sought in defense policy.

II. DEFENSE BY DOCTRINE: THE FORMULATION OF THE SANDYS' POLICY

Even after the tentative movement toward a policy of nuclear deterrence in White Papers since 1953, the *Outline of Future Policy*[20] issued in April 1957 by Duncan Sandys, Minister of Defence in Harold Macmillan's new Cabinet, created the impression of being a new departure. In this respect it was accorded a general welcome, for the Suez affair had induced wide agreement among military commentators at least upon the need for a close scrutiny of existing programs.

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[15] Anthony Eden, *Full Circle* (Boston, 1960), pp. 415 ff.

[16] It should not go unremarked that the CSC was scarcely consulted about this innovation, which a number of officers suspected to be based more on a political desire to appear active with regard to defense than any well thought out theory of organization. The announcement was made to the Conservative Party conference. Sir John Slessor's critical view can be seen in *The Central Blue*, pp. 450 ff. Slessor believes a solemn commission should have been set up to review the whole system—such as preceded inauguration of the CSC in 1923—before tampering with existing methods.

[17] See in particular Eden's letter to Eisenhower, July 18, 1956, *Full Circle*, p. 417. Eden had been particularly impressed by the nuclear-mindedness of Khrushchev and Bulganin during their visit to London in 1955.

[18] An *ad hoc* Air Defence Committee under Sir Frederick Brundrett, then Deputy Chief Scientist, settled the ground-to-air missile controversy mentioned above.

[19] The phrase is John Strachey's from the 1955 defense debate. A senior British official described the operation in a paraphrase of the R.A.F. motto, as "*per ardua ad hoc*."

[20] Cmnd. 124, accompanied by *Defence Statistics*, Cmnd. 130.

The contents of Sandys' paper have become well known. Doctrinally it was characterized chiefly by frank recognition that active and passive protection of Britain against nuclear attack was impossible and that defense must therefore be by deterrence, with active defense limited to safeguarding retaliatory forces. Manned aircraft, both bombers and fighters, were to be replaced after existing generations by missiles. The "strike" part of this program rested heavily on hopes for the coming British intermediate range ballistic missile Blue Streak. This liquid-fueled rocket was to be entrenched in underground emplacements and to perform the "equalizing" function on Britain's behalf anticipated of thermonuclear weapons by Winston Churchill several years earlier. Ground forces were to be small, but this, it was alleged, would be offset by greater mobility and by nuclear weapons. An Army Strategic Reserve would be set up in Britain. National Service was to go and the armed forces were to be reduced to 375,000 men by 1962. The plan was presented as one for five years, which, it was claimed, perhaps paradoxically, would provide stability for planning and also flexibility for meeting changing circumstances.

All of this has attracted a great deal of notice. Less adequately recognized have been the distinctive manner in which Sandys created his policy and the changes which this and the subsequent process of implementation wrought in the defense machinery. Before examining how the Government came to select its course of action, however, it may be well to consider what alternatives were available to it.

It should already be clear that the new policy was no complete break with previous trends; commitment to a nuclear force was long established and the Eden Government had earlier decided in principle upon a reduction of forces to 450,000 and the ending of National Service. (The last two intentions, of course, had not been announced so that the public saw a dramatic cut from 700,000 to 375,000.) Nonetheless the policy was truly a bold one, for the fresh cuts carried some force levels below the very minimum which the professional military advisers would recommend, even with nuclear weapons, and thus finally accepted consequences which previous trends had only foreshadowed. Given the need for economy of national resources, the Government could presumably have selected two different courses. It could have expanded military expenditures and cut consumption.[21] This would, however, have carried grave political risks for an already unstable regime and would not in itself have done anything to impose greater rationality on military planning. Nor would it have released certain scarce material and human resources needed for the export effort. Defense competed with exports as well as with domestic consumption and the Treasury's anxiety as to the health of the economy had been reflected in the Suez crisis, first as eagerness to regain control of the Canal and then, with the pound under pressure, as importunity to cease the operation. It was therefore not irrelevant that the former Chancellor was now Prime Minister.

Alternatively the Government could have abandoned the strategic nuclear effort and concentrated upon its conventional contribution to the Western alliance. But the nuclear force was firmly believed by ministers—and, indeed, by the CSC—to enhance national prestige and preserve an independence of action regarded as particularly desirable in view of what many regarded as America's treacherous abandonment of her allies during the Suez affair. Nuclear forces were also thought to increase positive British influence over the United States by undertaking a share in the task of deterrence and demonstrating technological skill. Moreover the strategic nuclear option was a policy for which both the weapons and a doctrine existed. The Chief Scientist, to whom recourse was had as the representative of professionalism untainted by service prejudice, greatly favored this doctrine which was, incidentally, the kind of "macro-strategy" appealing to and easily grasped by political leaders who are not specialists in military affairs. None of the Services was ready with an immediate alternative proposal of equal clarity or sweeping promise, while the technical obstacles to the policy were shrouded in the future.[22]

Yet another discouragement to emphasis on conventional force was the pressing anxiety to end conscription—felt both by the Government for political reasons, and by the Army in order to end the constant wastage of training and personnel movements. The influence of this incentive would be hard to exaggerate. While the extra men denied to the Army in 1957 could statistically have been bled from a deemphasized R.A.F. or Navy, it was unlikely that in real life this could be done by voluntary recruitment.

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[21] For the reality of this alternative, see A. C. L. Day, "The Economics of Defence," *Political Quarterly*, Jan.–March, 1960, pp. 57 ff. With a rising national product, of course, the decision to hold defense expenditure steady was to reduce the proportion spent on military affairs.

[22] This was the period in which Admiral Radford pressed the nuclear view in the U.S. and Franz Joseph Strauss cut back the proposed Bundeswehr.

If these were some of the considerations which appear to have weighed with the Government, the process by which the decision was taken displays an interesting interaction of personal, political and organizational influences.

Although the White Paper was discussed in a series of highly acrimonious meetings between the Minister and the Chiefs of Staff, it was very much the personal achievement of the Minister, who, on good account, paid scant regard to protests and on occasion refused even to consider dissenting papers. Such advice as the Minister did employ in his remarkable *tour de force*, which entailed some dozen drafts, came largely from senior civil officials of his Ministry, particularly the Chief Scientist, and—allegedly—from one Colonel Post, a personal confidant. Inspiration for the line taken came also from the Prime Minister, who had himself served a brief and unprofitable period as Minister of Defence and who had endowed his deputy with the more generously defined authority he would himself have liked. In an announcement to the House of Commons on January 24, 1957, the Prime Minister authorized the Minister of Defence to decide matters of general defense policy affecting the "size, shape, organization and disposal of the armed forces and their equipment and supply including defence research and development," and to interfere in matters of particular importance within each Service, all with a view to "a substantial reduction in expenditure and manpower." At the same time the Chairman of the CSC was given the parallel office of Chief of Staff to the Minister.

Each of the Service chiefs was unhappy with Sandys' policy. None questioned the principle of a British deterrent, but each, including the Chief of Air Staff, in whose hands the deterrent was primarily placed, deplored the effect of economy on his own Service. R.A.F. sentiment was by no means enamored of missiles, which spelt the end of pilots and aircraft, and the CAS, Sir Dermot Boyle, represented that "cavalry school" of air officer most attached to the traditional appearance of an air force. The Royal Navy came in for its share of cuts, but was less dissatisfied than might have been expected, for it retained big ships and a strategic capability in its carriers, together with an anti-submarine mission. If the White Paper left the Navy's role somewhat obscure, this may not have been unwelcome to a Service which was not at the time provided with a strategic concept on which to build its future or with a better weapon than the carrier.[23] In contrast to the Navy, the Army was unreservedly distressed by the severe cuts proposed, especially those in manpower, which would reduce numbers well below what it regarded as a minimum. As a result the CIGS was the unhappiest chief of all, engaged in sharp disputes with the Minister and reportedly only dissuaded from resignation by the reflection that his fellow chiefs would not join him and that an isolated demonstration would not prevail against the determination of ministers and the general enthusiasm for economy.

The disposition of the Army's case serves to illustrate the extent to which economic and political guidelines took precedence over military opinion in 1957. The new, all-regular, "streamlined" Army was to be 165,000 strong.[24] Under Antony Head, who became Minister of Defence in October, 1956, and had previously been Secretary of State for War, various studies and ministerial urgings had reconciled the Army to a strength of 200,000, the ultimate figure embodied in Eden's plans. This acceptance was based on use of Gurkhas in Asia, reductions of garrisons, severe weakness east of Suez and, in general, upon a number of optimistic assumptions as to capabilities and commitments. It also rested on promises of the very best equipment, tactical nuclear weapons and provision for air mobility. Even so, when actuaries of the Central Statistical Office were called upon to estimate the highest possible voluntary recruitment for the Army, their answer of 165,000 left a gap which, if small enough to make all-regular forces enticing, was large enough to be of critical military consequence. As a result, after Suez made economy urgent, a sharp dispute developed between Head and the Chancellor of the Exchequer,

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[23] The Polaris was not seriously taken up at this time. For this two American influences were partly responsible: that of the USAF in providing both the R.A.F. and the Ministry of Defence with skeptical assessments, and that of Admiral Rickover and associates in advising the British missile chiefs to avoid the Polaris until more development problems—then expected to be greater than was the case—had been solved.

[24] The exact figures for individual services were not in Cmnd. 127. See George Wigg's analysis of the arithmetic, *H. C. Debs.*, Feb. 29, 1960, col. 909.

Harold Macmillan. Neither a Cabinet meeting nor a conference between the two Ministers could resolve the difference, and, before further debate was possible, Macmillan became Prime Minister.

Head's refusal to retain office under Macmillan thus represented his unwillingness to be the Prime Minister's agent in reducing the Army against military advice. The new force level, based on the estimate of recruitment, was naturally declared to be militarily adequate by the Government. Of course the CSC strongly disagreed but no appeals were successful in face of the determination of the Prime Minister and Minister of Defence. The CSC had also been persuaded, unwisely as some thought, to prepare a plan for the deployment of a hypothetical army of 165,000 and presentation of this as a workable professional proposal, it has been said, enabled the Minister to conceal the full extent of service anxiety even from some members of the Cabinet.[25]

It seems reasonable to say that this represented a distinct departure from precedent in method as well as doctrine. There was a marked change in the tone of policy making and in the character of political direction. Fears voiced in the press that the economy would come across-the-board, in the old percentage style, proved wrong. On the contrary, the Minister came down heavily for a particular doctrine and imposed a number of very far reaching consequent changes upon the military posture of the nation. The question remained, however, as to whether this decisiveness had been wisely exercised. It is not surprising that these formative months proved to be but the beginning of a prolonged public and private debate.

III. THE REORGANIZATION OF 1958

The dispute between the Services and Mr. Sandys as to both the content of his policy and his method of making decisions continued during the months when the bare bones of his outline were being fleshed in detail. In this running dispute the two elements of content and method were inextricably entwined. Anxiety about Sandys' plans for reshaping the formal machinery of making defense policy was given point by dislike for the use he could be expected to make of it. Protests against the detailed applications of his policy and the manner in which these were made, implicitly criticized the way the machinery was working.[26]

The nature of British defense machinery being what it is, particulars of the heated, high-level controversy which continued after publication of Sandys' White Paper are hard to acquire. This observation, indeed, touches directly on a main service grievance. For the CSC were now made painfully aware that the traditional reticence which preserved them from close public scrutiny of their achievements could cut two ways. They now felt that the pattern of closed debate and service reticence was being exploited to impose unsound policies while concealing from the public and Parliament and even from the full view of the Cabinet, risks which were being taken and the extent to which professional military opinion was united in misgiving if in little else. The Minister, they felt, was refusing his military advisers the justice of a fair hearing and was reaching firm agreement with the Prime Minister before going through the semblance of debate in the Defence Committee. It was also suggested that Sandys encouraged service rivalries so as to prevent formation of a solid front against him. Admittedly it would be difficult to distinguish precisely between making use of divisions amongst advisers to railroad home a plan condemned by all, and being compelled to devise and insist upon a scheme because the advisers could not themselves hit upon an agreed policy. Yet many apparently felt they could distinguish the difference, which in itself indicated a grave absence of mutual trust in military affairs. Perhaps the *Economist* best expressed what was felt to be at stake when it declared that there must be authority, and that the authority must be the Minister's, but that authority should be used to extract agreement from the military leaders, not merely to squash them and ride roughshod over their views.[27] The danger of authoritarianism was also well put during a later parliamentary debate by Sandys' immediate predecessor: "My right honorable Friend has great qualities of strength of character and determination. He is known for it inside and outside the House. They are fine qualities in a Minister provided he is right. If, however, he introduces a policy which may lead the country into danger, such qualities can be calamitous."[28] Thus while there was no question of the Government's right to lay down the law, considerable uneasiness arose from the feeling that this was being done without a full and free flow of ideas within the official machine. A further question also existed as to whether a wider public had no right to learn the broad lines upon which professional debate was proceeding on a matter of such moment.

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[25] This must rest in part on private information, but Head's later speech of July 28, 1958, *H. C. Debs.*, col. 988 ff. goes a long way. Suspicion that 165,000 was actuarial rather than military is born out by the Government's raising the figure to 180,000 when recruiting went well, on the ground of providing a cushion for fluctuation in recruitment (presumably as desirable in 1957 as later) and by the Minister of Defence's frank admission in 1960 that a cut to 165,000 again, made necessary on financial grounds, was felt undesirable by the Army, *Times*, Nov. 7, 1960. The leadership of the Labour Party was equally committed to ending conscription for electoral reasons and tried to discourage those Labour Members who advocated a bigger Army.

[26] The difficulties raised by economies already envisaged in the White Paper were sharpened for some months by the anxiety of the Chancellor of the Exchequer to secure still further reduction of expenditure. This ultimately terminated in the resignation of the Chancellor, Peter Thorneycroft, in January, 1958.

As to formal organization of defense policy, the amplified powers of the Minister of Defence, defined by Macmillan in January, 1957, were confirmed in a major restatement of *Central Organisation for Defence* in a White Paper of July, 1958.[29] This paper apparently represented a compromise between the Minister's inclination to carry the centralization of authority further and the desire of the services and the service ministers to maintain their autonomy. The arrangement was worked out in a hotly contested debate of many months some rumors of which reached the press.[30] Once more the overall authority of the Minister was asserted, though with the omission of his right to interfere with matters internal to the services which he considered important.[31] He secured a right of review over senior appointments and the power to transfer functions to his own Ministry. Moreover the Minister was made the fount of operational orders, for which purpose he was given a Chief of Defence Staff (CDS) to replace the jointly held offices of Chairman of the CSC and the Chief of Staff to the Minister. This perpetuated the *ad hoc* arrangement whereby the Suez operation had been directly controlled by Eden by way of the Chairman of the CSC. Appointment of the CDS was also intended to provide a head for the CSC equipped to give independent advice to the Minister. For this purpose the new Chief was authorized to call on the Joint Staff for assistance.[32] The collective responsibility of the CSC to the Government for professional advice and the individual right of each Chief to have access to the Minister and Prime Minister, were however, reaffirmed.

The second major change made in the White Paper was the announcement that the membership of the Defence Committee would be regarded as a floating one, with attendance at particular meetings being decided *ad hoc* by the Prime Minister.[33] At the same time a lower level Defence Board was created to contain, under the Minister of Defence, both the service ministers and the CSC, together with the Permanent Secretary and Chief Scientists of the Ministry. This Board was to deal with all purely military affairs while the Defence Committee would normally confine itself to problems related to financial, foreign, colonial and commonwealth affairs.[34] According to well informed sources, Sandys' original plan had been to confine the service ministers to the Board, excluding them from the cabinet committee. This the Cabinet overruled, leaving their attendance subject to discretion, and it was made clear that minutes of the Defence Committee would always be circulated to all the nominal members.[35] The service ministers also retained their right to "make submissions to the Cabinet." The actual effect of this reorganization on the relationship between Minister of Defence and the services thus remained to be seen. In general the increase in power received by the Minister in 1957 seemed to be confirmed, and the service ministers further reduced in status. The exact effect of the changes in staff organization was also uncertain. Would the CDS be the ally or the rival of the Minister?

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[27] Dec. 7, 1957.

[28] July 28, 1958, *H. C. Debs.*, col. 994.

[29] Cmnd. 476.

[30] *Cf. Daily Telegraph*, Feb. 28, April 25, July 10, 1958; *Times*, June 26, 1958; *Observer*, June 29, July 6, 1958.

[31] In April, 1957, Sandys had announced a Defence Administration Committee to consider service unification but little more was heard of it.

[32] For explanation of all this see Sandys' contribution to the debate on the White Paper, July 28, 1958, *H. C. Debs.*, col. 954 ff.

[33] The Chiefs of Staff would apparently attend as of right. See Para. 4 of Cmnd. 476.

[34] In this respect it partly replaced an informal Service Ministers Committee in which the Minister of Defence had periodically met the service heads.

[35] *I.e.*, Prime Minister, Home Secretary, Foreign Secretary, Chancellor, Commonwealth Secretary, Minister of Defence, Minister of Labour, the Service Ministers, and the Minister of Supply. The Minister of Supply survived this reorganization but disappeared the following year, to be replaced by a Ministry of Aviation, for development of aircraft and missiles, and by distribution of other supply functions to the Services.

Some believed the whole reform to be an unsatisfactory hybrid, as a result of the deadlock between the ambitions of the Minister and the services, and that such features as increasing the responsibility of the CSC to the Minister while at the same time affirming the right of the services to appeal over his head, might confuse rather than clarify matters.

IV. THE SERVICE APPEAL AGAINST SANDYS

While the services thus continued to put their case through formal channels they did not confine themselves to these when they felt the results to be unsatisfactory. In Britain, the ultimate objective of an attempt to revise a matter of broad policy must be to change the mind of the cabinet. This has increasingly come to mean the mind of the Prime Minister and his closest advisers, who may be senior civil servants as well as ministers. For this the obvious recourse of the services is to the formal processes of the governmental machinery. But they are not without further resources if these processes fail to serve their ends. There are devious methods to change the government's mind: by efforts to bypass unreceptive superiors to ensure that they have not left ministerial colleagues in ignorance of the service case, for example, or by representations to influential unofficial circles within the ruling party. Failing success in this way there is the possible expedient of attempting to change the climate of opinion within which the inevitable adjustments of policy will be made, by appeals to the attentive public.

For all the legendary service abhorrence of such unorthodox methods in Britain there are numerous well known historical instances of such campaigns.[36] And, in fact during the Sandys' era, when the services felt they were not receiving a fair hearing, there was a marked increase in behavior so frequently thought of as peculiar to Americans.

There is a wide impression among British politicians particularly concerned with defense that during the Sandys' era there was an appreciable increase in the number of "leaks" of information both as to planned developments and as to interservice disputes.[37] Not all of this came from the military; indeed some suggest that civil servants were an especially prolific source.[38] Nor can all leaks be regarded as intended to obstruct the Minister's policy. Some are doubtless accidental, some made for personal reasons, and others may be intentional trial balloons and maneuvers by the Government. Nor, of course, were leaks intended to influence interservice disputes unprecedented. Nevertheless, with all these reservations, there appears to have been a marked increase in the willingness of serving officers to talk in confidence with the press, with back-benchers and even with individual leaders of the Opposition.[39]

It is not necessary, however, to confine oneself to this elusive phenomenon, for there was also a remarkable number of more overt and dramatic "demonstrations" in the years following 1957. Each of the services was associated with one or other of these. The most noted and sensational were Conference and Exercise Prospect, mounted by the R.A.F. in the spring of 1958 and organized by the Director of Plans. This was a three-day briefing session for a selected group of R.A.F. officers and Air Ministry civil servants, later followed by a one-day performance held in the Royal Empire Society Hall on May 6, 1958 for selected correspondents and others.[40] At these affairs the emphasis upon deterrence, wielded by the R.A.F., was upheld as the only practicable policy. The press directed its attention, however, chiefly to the degree to which the R.A.F. of the future was depicted in a fashion which differed in several prominent respects from that implied in the White Papers, especially in the matter of manned aircraft. A second generation of strategic bombers, of tactical bombers and of fighters were all held essential. A call was also issued for an airborne missile,[41] reflecting reluctance to depend entirely on fixed bases. "Prospect" aroused a public sensation, though the results were apparently mixed. The discussions then going on as to procurement of a new medium-range nuclear strike aircraft, the TSR2,[42] and a fighter, the Lightning, were shortly settled in favor of the R.A.F. But the press sharply criticized such demonstrations and it is said that the incident strengthened the Minister of Defence in the strenuous Cabinet discussions then proceeding on his plans for reorganisation.[43]

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[36] The "Fisher era" before World War I, and that war itself, are renowned cases. Liddell Hart's writings abound in examples from the interwar years. In his valuable article on "Civil-Military Relations in Great Britain and the United States, 1945–1958," *Political Science Quarterly*, March, 1960, p. 40, Michael Howard undoubtedly expresses the *tendency* of the British system as compared to the American when he writes that "defeated or disgruntled parties are prevented from reopening a *chose jugée* and throwing everything once more into confusion." But it is not absolutely so and the later 1950s would seem to have been a period of strenuous efforts to reopen issues publicly. It is perhaps worth recalling that as a Territorial Army officer before the war, Duncan Sandys caused a furore by denouncing deficiencies in anti-aircraft preparations.

[37] For one public reference to this see George Brown's—Labour's chief spokesman on defense—observation, "We . . . have had almost every member of the Services' team . . . making quite sure that their particular angle on what was happening was well known and well publicized." *H. C. Debs.*, July 28, 1958, col. 971.

[38] A onetime minister has suggested to me that leaks are particularly prevalent in areas where private contractors have an interest in boosting or detracting from a particular weapon, *e.g.*, in the missile and aircraft field, as compared to programs handled by national arsenals, etc. SHAPE, ever since the incumbency of F. M. Montgomery, has afforded a somewhat privileged sanctuary for a greater outspokenness than is common at home: *cf. The Economist*, November 14, 1959, discussion of the case of Sir John Eccles.

[39] Again note George Brown's allegation: "The Service Chiefs spoke in public, against all traditions, taking that risk in order to get round the Ministers whom they could not persuade in private. There was virtually nobody in the Service Departments at that time who was not taking the trouble to tell anybody about it who would listen. I have minuted notes of receptions and of conversations in which leading Service men made only the reservation, 'Do not quote me' . . . other Service advisers had articles written in leading journals with only the thinnest of pseudonyms hiding the authority behind them . . . " *H. C. Debs.*, April 27, 1960, col. 221.

Naval efforts were more discreet, as by repute they have always been. Throughout these years senior naval officers continued to maintain particularly close liaison with certain newspapers, such as the *Observer*. Early efforts to enhance the Navy's role under the Sandys regime were directed toward anti-submarine warfare.[44] To the extent naval opinion contemplated a part in deterrence, it was in terms of the carrier, for which were being developed ship-to-air missiles and a low-level strike aircraft, which was regarded as a rival to the R.A.F.'s TSR2. The carrier was under heavy criticism on grounds of vulnerability, but the Navy was slow to develop an alternative interest in the Polaris. A number of considerations reportedly still underlay this caution; doubt as to the availability of nuclear propulsion, a "cavalry" traditionalism in which submarines were not a suitable backbone for a fleet; and, perhaps most of all, fear of being compelled to undertake development within existing limits of the naval budget. Nevertheless, during 1958, especially after amendment of the MacMahon Act, interest in a naval deterrent grew and senior naval officers provided information for certain newspaper articles extolling the merits of seaborne deterrence and casting doubt upon the efficacy of the R.A.F.'s striking force.[45]

The most dramatic instance of the Army speaking up was the lecture that Lieutenant General Sir John Cowley delivered to the Royal United Service Institution on November 4, 1959. In this highly publicised pronouncement the General, while admitting the danger of service parochialism, criticised reliance on deterrence on both moral and practical grounds, and outspokenly deplored neglect of the conventional forces, drawing a critical comparison between the proportion of expenditure devoted to the deterrent and that to the Army. Cowley wrote a little verse on this theme:

"I also have a plan to spend a thousand million pounds
To buy some guided missiles and to hide them in the ground,
And then to clearly paint on each 'these things must not be used,'
No wonder that our citizens are getting so confused."

This was one man, but a man who spoke as Controller of Munitions in the Ministry of Supply, who drew attention to the fact that he was on active service, and whose remarks had been cleared by the Secretary of State for War. Press comment and correspondence in the *Journal* of the RUSI were noticeably more favorable than in the Prospect case; perhaps a reflection of the headway made by Sandys' critics. The Prime Minister himself was reportedly much annoyed by this incident and it was announced that henceforth such utterances would require clearance not merely by the services but also by the Minister of Defence.[46]

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[40] See *Air Power*, Summer 1958, pp. 283 ff.

[41] As far as I can discover, this was not, as is now sometimes said, an anticipation of the Skybolt airborne ballistic missile later made the mainstay of British policy, but a cruise missile for low-level radar penetration.

[42] For the history of this aircraft, see the *Observer*, Jan. 4, 1959.

[43] *The Economist* once more provided the most incisive comment, "Whose Hand on the Tiller?", May 10, 1958.

[44] See Admiral Sir John Eccles' outburst, "repudiating" the White Paper and reverting to the concept of "broken-backed" war. *Economist*, Oct. 5, 1957.

[45] A telling broadside under the *nom de plume* of Nucleus, in the *Observer*, was said, by those in a position to know, to be the direct contribution of a just retired, very senior naval staff officer; see *Observer*, Dec. 7, 28, 1958.

Public complaints of this kind might be expected to attract more attention in a period of doctrinal change but such a number of incidents in so short a period tends to confirm the belief that unaccustomed constraints on the interplay of views within the official machine encouraged dissent to seek other channels. Certainly the demonstrations were successful in communicating professional misgivings to a wider circle of attentive opinion, and thereby placed the Government under the necessity of justifying its policy before a critical audience.

V. THE WIDER MARKET FOR STRATEGIC IDEAS

Service leaders were, of course, only one of many sources of attempts to manipulate the wider market and through it, the Government. This market ranges in a complex fashion from the narrower influential circles, a twilight zone between direct influence and the creation of generally favorable opinion, to the broadest forms of public advocacy. In Parliament the various kinds of influence are inextricably entwined, and the service leaders are the targets as well as sources of attempts at influence.

The nature of the market for strategic ideas in Britain and its relation to official processes is ill understood, but the higher temperature of military affairs under Sandys made it somewhat easier than usual to discern the cruder patterns.[47] By their very character the points at issue were conducive to public debate. The basic question of nuclear deterrence, and the shortage of manpower, had a deceptive simplicity which encouraged lay discussion; and the simplicity of doctrine which permitted Sandys to seize the reins also gave scope to his critics. Quite apart from service grievances, the White Papers of 1957 and 1958 and particularly the latter's willingness to contemplate the initial use of strategic nuclear weapons, aroused considerable public misgiving. Some public fears paralleled those of the services—fears of overspending on deterrence, duplication of American efforts, failure to provide tactical nuclear weapons, neglect of conventional forces in size, equipment and airlift—while others, such as those of the effect of policy on prospects for disarmament or the ill-defined state of doctrine for the use of tactical nuclear weapons, were less frequently heard on service lips. There was also considerable criticism of a tendency to hold on to widely scattered bases, the role of which was not clear in the light of the reliance on mobile reserves and of diminishing imperial responsibilities. Thus *The Economist* spoke sarcastically of "the dogged construction of NAAFI clubs and married families quarters at distant staging posts that are summarily discarded . . . "[48] But this was not particularly felt to be characteristic of Sandys' influence, perhaps the contrary.

Service demonstrations of dissent reinforced unofficial anxiety by providing evidence of specific grievances and, perhaps even more, simply by revealing the existence of general professional unrest, of which these partial glimpses may even have given an exaggerated notion. The *Times* commented eloquently on the dangers of this at the time of General Cowley's outburst. Admitting the undesirability of every senior officer repeatedly holding forth in public, the *Times* continued:

> It would be equally dangerous on the other hand, if none of them was ever allowed to express an honest criticism publicly. But we have come perilously close to this in recent years. There has been no way for the public to know whether or not crucial defense decisions were being taken against the advice of the Government's professional military advisers. Strategy has had to be accepted in a vacuum. Public opinion has been denied its

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[46] A text of the Cowley lecture is in the *RUSI Journal*, February, 1960. An exchange in the House of Commons, in which the new rules on clearance were stated, is in *H.C. Debs.*, Nov. 11, 1959, cols, 378 ff. While the Cowley lecture was the most sensational single Army effort, the most solid presentation of the Army case was the Army League report, *The British Army in the Nuclear Age* (London, 1959), edited by Richard Goold Adams. Another Army officer's complaint was that of Brigadier Fernyhough, Director of Ammunition Stores, who made a report referring to the absence of a practical war plan and to the alleged fact that "in relation to its small size and large commitments, the British Army must be one of the worst equipped in the world. Yet the Treasury continues to urge us, with loud cries, to avoid overinsurance." See *H. C. Debs.*, Feb. 29, 1960, cols. 915–17.

[47] It should be observed that the unusual intensity of feeling may have distorted as well as intensified the normal pattern.

[48] March 7, 1959. On the subject of bases there is an exhaustive Princeton doctoral dissertation by Lt. Col. C. Dewitt Armstrong, U.S.A., "British Policy Toward Strategic Bases," 1959.

proper part because there has been no access to the views of the senior officers of the three services.[49]

Press comment on defense matters in general was frequent and lively, though spasmodic during these years. The so-called quality press[50] paid particular attention to defense. Certain individuals, the defense correspondent of the *Times*, Alastair Buchan[51] of the *Observer* and the defense writers of the *Guardian* and *Economist*, became especially prominent in maintaining a drumfire of sceptical comments on official doctrine and in drawing attention to military unrest. Certain of the more popular papers were perhaps the most fertile in publication of the various leaks. Press comment was not, of course, uniformly opposed to the Government. The *Daily Telegraph* and *Sunday Times* fairly staunchly defended official policy, the *Times* chiefly criticised overemphasis on deterrence, while the *Observer* and *Guardian* went much further and appeared ready to abandon the deterrent should that be the only way to refurbish conventional forces. By late 1958 the press comment was overwhelmingly critical in one way or another. The prestige papers, above all the *Times*, were also the vehicles for correspondence on military affairs, which a number of well qualified students of British affairs believe to have perhaps even greater influence in sowing doubt in official minds than editorial comment.[52]

The press embodies a considerable number of that small group of professional and semiprofessional students of defense who are perhaps best described as commentators. There has in point of fact been a small discussion group called the Commentator's Circle, with Liddell Hart as head, which is credited with no little influence in developing informed opinion and coloring the tone of the mass media. The notion of commentator embraces the leading defense correspondents, such eminent military historians as Liddell Hart, and articulate retired officers such as Sir John Slessor and Sir Anthony Buzzard, together with such politicians as Richard Crossman, George Wigg and John Strachey who write and engage in journalistic debate. These would also rank high among the contributors to such specialized journals as that of *RUSI*, *International Affairs* and *Air Power*, or to general periodicals like *Encounter*, in which an extended series on the theme of "Their Bomb and Ours" attracted much attention in 1958.

In some respects a broader extension of the concept of a commentator's circle is the Institute for Strategic Studies set up in 1958, and intended both to further study of military affairs and to bring together people concerned with military affairs from varying points of view. The Council of the I.S.S. contains several of the most influential commentators. The I.S.S. has apparently won greater countenance from those officially engaged in military and foreign affairs than is common for private bodies in England; it includes a number of senior officials among its members and enjoys the favor of the present Chief of the Defence Staff. From time to time the I.S.S. is used for briefing sessions in which official information is confidentially conveyed. This is thought to serve the dual purpose of broadening support for policies which are based on information not suitable for general dissemination—the "scrambling" performance of the V-bomber force being an example. In return the audience receives more substance for its unofficial assessments and may presumably hope that its own views may not be without influence on the officials.

This kind of activity is a particularly clear illustration of the way in which the roles of publicist and confidential adviser may blend. Even the press may have its direct influence on the important officials as well as its general effect on the tone of public opinion. Thus there may be combined in a single person or organisation types of influence ranging all the way from the undoubted achievement of the Campaign for Nuclear Disarmament in raising the level of public attention to military questions by the most overt possible activities to the contribution that confidential representations by the Society of British Aircraft Constructors are said to make to resisting the elimination of aircraft.[53] Parliament itself, the single most important sounding board for opinion on military affairs, is at the same time the scene of much confidential interchange.

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[49] *Times*, November 12, 1959. On the effect of secrecy on trust in the Government, see the exchange between Sandys and Brown, *H.C. Debs.*, Feb. 11, 1957, cols. 1155 ff.

[50] Which might be said to comprise the *Times*, *Daily Telegraph*, *Guardian*, *Financial Times*, *Observer* and *Sunday Times*, together with the weekly *Economist*, *New Statesman*, *Spectator*, *Time and Tide*, *Tribune*, and the *New Scientist*.

[51] Since 1958 Director of the Institute for Strategic Studies.

[52] Captain Liddell Hart, for example, firmly maintains that a well written critical letter to the *Times* does more to influence leading civil servants than a wealth of books or articles.

[53] The general mode of operation of such interest groups in Britain has been much clarified in recent years by the works of Ivor Jennings, S. E. Finer, Sam Beer, and J. D. Stewart. The effect of the arms industry is still an obscure issue much beclouded by old emotions. Equally hard to evaluate is the coincidence between strategic views

Because the formal legislative and financial powers of Parliament are under the effective control of the government these days, Parliament's influence on defense policy depends chiefly on the quality of the arguments it can generate and the attention it can secure for them. The difference between Parliament and Congress in this respect is perhaps not as large as one might think, for we have recently become aware of how rarely Congress directly enforces a change in American military policy.[54] It is rather in Parliament's lack of Congressional resources for securing information that its chief disadvantage lies. George Brown, then defense spokesman for the Labour Party, has gone so far as to declare that "in this area, we are given so little information in the House, less I rather think, than anywhere in any democratic country in the world . . . "[55] This difficulty has repeatedly drawn comment and has led to proposals for a specialized committee on the American pattern, or at least for examination of the service Estimates before a select committee.[56] Such a device would not only provide information but also enable Members to make use of what they know without fear of damaging the national security.[57]

The expedient of secret briefings for leaders of the opposition, tried under the Labour Government, was soon abandoned by Churchill on the ground that it unduly hampered criticism, and an offer of similar consultations made during the reorganizations of 1958 was immediately rejected by Gaitskell for the same reason. The prejudice on all sides against private communication of official information seems reinforced by distaste for characteristics of the American system associated with Congressional independence, as well as by the desire of all parties to enjoy the fruits of executive privacy in power.[58] Such information as is received other than openly from government pronouncements therefore comes from the public media and from the leaks and private channels mentioned earlier. Occasionally Ministers informally give a courtesy briefing to their opposite numbers in the shadow cabinet, but this, by all accounts, is usually advance notice of an imminent public announcement and never in the nature of prior consultation. The White Papers on defense, particularly the routine annual issues, are frequently envied in the United States[59] but though they do offer the advantage

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advocated by certain leading, articulate, retired officers, and the kinds of equipment manufactured by firms of which they are directors. The fact that many of the retired officers most respected as commentators are connected with armaments firms is sometimes said to be due to their advantage in keeping up with technical developments, but it seems at least equally probable that it is their articulateness or reputation as publicists which secures them the favor of manufacturers. Most of these pundits, one notices, are drawn from the R.A.F. or the Navy, the "weapons services." For a reference to this at the highest level see Sir Frederick Brundrett's speech to the R.U.S.I., March 16, 1961. Sir Frederick was Chief Scientist to the Ministry of Defence until December, 1959 and closely associated with the Blue Streak. Quite apart from vested interests there are of course powerful arguments for the preservation of an aircraft industry on grounds of employment and the export trade.

[54] See for instance Roger Hilsman, "Congressional-Executive Relations and the Foreign Policy Consensus," this REVIEW, Sept., 1958, and, since completion of this paper, S. P. Huntington, *The Common Defense* (New York, 1961).

[55] *H.C. Debs.*, Dec. 13, 1960, col. 226.

[56] See F. J. Bellenger's suggestion, *H.C. Debs.*, Feb. 26, 1958, col. 427, that of W. Wyatt on April 27, 1960, *H.C. Debs.*, col. 288, and Gaitskell's complaint, *H.C. Debs.*, March 1, 1960, col. 1140. Wyatt was concerned that "We are handicapped at present in this country because we have no adequate machinery for going into these highly important but complex and technical matters in any satisfactory way."

[57] When, in their intermittent checks, the committees on Estimates and Public Accounts have examined military affairs, they have several times recently revealed inefficiencies in the handling of research and development and in the organization of administration.

[58] In contrast to which the CID had a certain amount of bipartisan representation in early days.

[59] *E.g.*, "all the relevant details in ten pages or less." Laurence Levine, Appendix, p. 144, in T. Stanley, *American Defense and National Security* (Washington, 1956).

It is interesting to notice that during the period of fullest commitment to the Sandys policy, the White Papers of 1957, and particularly 1958, contained long theoretical expositions of the relation between force and foreign policy. As promotion of the pure form of the doctrine has weakened, so the Papers have reverted to factual descriptions of the defense measures taken. On the other hand, as a dubious tribute to increased public attention to defense, the 1961 White Paper contains a large number of pictorial graphs to emphasize the logic of the Government's policy.

of a single focus for debate, informed British observers believe they are as much a vehicle for deception as for enlightenment, and at best a partisan brief. Scepticism has gone to the length of a proposal for issuing White Papers only quinquennially or at important departures, for some critics feel that the need to produce an annual report encourages over-dramatization and a search for illusory achievements.[60]

The unofficial contacts of politicians outside the government with officers and civil servants are reportedly more numerous and intimate with Conservatives than Labour, and, consequently, a Conservative opposition may be better informed than a Labour one. The chief alternative sources of the opposition are the press, certain recently retired officials, authors, private commentators and a small number of Members especially interested in and informed about Defence. George Wigg, a veritable mine of information, is a preeminent Labour example of the last. A considerable number of references in debate to expert writings are to American commentators, reflecting the paucity of English equivalents,[61] while the flow of information about United States policy provides facts about matters of allied concern and technological information which can be applied to British circumstances.

Lack of information is undoubtedly a handicap to the opposition, though it probably does not undermine their arguments to the extent that governments not unnaturally suggest. Some would say that a more serious limitation on the effectiveness of Parliament as a forum is the surprisingly small number of Members who show much really sustained interest in military affairs.[62] Despite the common idea that the House of Lords is a superior senate of experience, very few indeed of the myriad ex-service peers use their right to debate, to an extent which has drawn direct reproachful comment in the Lords itself.[63] Moreover, parliamentary attention to defense is heavily concentrated in the first half of the year under influence of the schedule for the White Paper and budget, and many feel that Government frequently escapes sustained attack as a result of this, of adjournments, and of the pressure of other issues on parliamentary time. It is revealing to note that when forming his governments, Sir Anthony Eden regarded the parliamentary duties of the Minister of Defence as exceptionally light.[64]

In the workings of the present Labour Opposition the formal committees of the Parliamentary Party, though much used to register differences, are apparently not the forums for a great deal of debate, still less for the formulation of the leader's policy or sifting of information. There is a committee of members of the Shadow Cabinet holding the ghostly defense and foreign affairs portfolios, and at Transport House a defense adviser, serves the whole Party. But far and away the most influential body would seem to be a confidential committee gathered by the shadow defense minister, comprising two or three congenial Members of Parliament, with a small entourage of commentators and informants, supplemented from time to time by special working parties. This device is useful not only to inform and advise the leaders but also to avoid the pressures of internal party differences.

This recalls that there are centers of dissentient opinion in Parliament other than the Opposition front bench. In the Labour party the nuclear disarmers have been an obvious influence on the climate of debate. George Wigg and Richard Crossman have formed the nucleus of another line of criticism both of Government and official Opposition policy, standing out for greater emphasis on conventional forces and maintaining the impracticability of both the strategic and tactical nuclear elements of existing policies.[65] Critics of this kind are inclined to say that the official Labour leaders have tried to maintain a monolithic allegiance to front bench views akin to that sought by Sandys himself. Certainly Gaitskell made several efforts to suppress Wigg's criticism of official Opposition policy, especially as enunciated by John Strachey, and Crossman was ousted from the Shadow Cabinet, partly for his failure to support an Opposition amendment in the defense debate of 1960. The damage such dissidence may do to the effectiveness of an opposition is hard to assess, but there seems little doubt that the present Conservative Government has been greatly relieved of need to reexamine and justify its policy by the conflict of views among its critics, which prevents the emergence of an image of a clear-cut alternative policy.[66]

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[60] The Paper of 1959 was dubbed by *The Economist* "Blank White Paper"; *cf. Daily Telegraph,* Feb. 7, 1958, and *H. C. Debs.,* Feb. 26, 1958, cols. 561–4; Feb. 29, 1960, col. 903.

[61] The debate in the Lords on March 5, 1958, is full of examples of this, *H. L. Debs.,* cols. 1095 ff.

[62] The Bow Group, a collection of young Conservative thinkers, is said to have found it difficult to recruit a working party to prepare a study on defense to match their publications on other topics.

[63] *H. L. Debs.,* March 5, 1958, col. 1248.

[64] *Full Circle,* p. 354. The intensification of interest in defense matters in the last few years, however, might lead him to modify that assessment.

[65] See especially their joint articles in the *New Statesman,* May 14, June 11, 1960.

As it happened, the leaders of the Labour Party did not seem to want to advance a policy much different from the Conservatives. While they joined in criticism that the Government placed excessive faith in deterrence and opposed the prospect of initiating the use of nuclear weapons, the Labour front bench was unwilling to accept the onus of continued conscription or higher expenditure.

The degree of agreement which existed between the two front benches was paralleled by a similarly cross-bench alliance of critics who particularly deplored the neglect of conventional forces. This alliance produced harmonious mutual support in debate between such otherwise dissimilar individuals as George Wigg and Antony Head, Sandys' predecessor. Indeed, disgruntled Conservative back-benchers have as good a claim as the Opposition to have resisted the Government in recent years. Supposedly, dissent within the governing party often does more to give a British government pause than the attacks of the official opposition, for such criticism comes from relatively trusted sources and raises a threat to the effectiveness and enthusiasm of the party. When such dissent becomes public, it weakens the impression of confident official policy based on inside information that is so discouraging to the opposition. A number of Conservative back-benchers have enjoyed a special reputation for wisdom on defense matters during the Sandys era, among them Fitzroy Maclean, Viscount Lambton, Nigel Birch and Antony Head. These offered a natural focus for criticism among those, probably more numerous among Conservatives than Labour, who normally took an interest in military affairs and maintained an association with one or other of the services.[67] Head's disagreement with official policy was well known as a result of his resignation, but, in the Tory tradition, he behaved with great discretion and for some time limited himself to private remonstrances and to remarks in party committees. In 1958, however, something of an open Conservative revolt began against the trend of official policy and, in the debate on reorganization, Head partially unfolded the story of his resignation. While the facts had long been suspected, this explicit and undeniably well informed account came with all the more telling effect against the normal fog of secrecy penetrated only by hearsay. By 1961 unrest had gone far enough for a Young Conservative convention deliberately to avoid giving a vote of confidence in Government policy.[68]

VI. THE RETREAT FROM SANDYS

By the beginning of 1959, when the critics were in full cry, a number of practical challenges to British policy had arisen to encourage second thoughts. The expedition to Jordan the previous summer had emphasized deficiencies in the conventional forces needed for such operations. Technologically, developments made the Government reconsider both its emphasis on deterrence and the means for implementing it. Estimates for the Blue Streak proved grossly inadequate, the cost of putting it underground alone having almost doubled, while demonstrations of Soviet accuracy with missiles cast doubt on the whole idea of fixed bases. Amendment of the MacMahon Act in 1958 also provided information about the alarming array of expensive devices being developed as countermeasures and aids to penetration. More encouraging news of Polaris now become available, along with progress on the projected Skybolt airborne missile. The personal stake of the officials intimately associated with Blue Streak, the money already invested, the space research possibilities of the missile and the residual lack of naval enthusiasm for Polaris all precluded a rapid change of policy. Nor was the technical situation absolutely clear. But at the beginning of 1959 a reassessment commenced, the Blue Streak was cut back to ten emplacements, and a committee under Sir Richard Powell, Permanent Secretary to the Ministry of Defence, undertook a review of the deterrent program.

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[66] Unfortunately for the Labour Party, of course, its constitution and its ideological bent tend to compel it to try to draw up a coherent policy despite frequent pleas that an opposition is only obliged to criticize.

[67] Retired officers, particularly from the Army, are numerous in the Commons and were especially alarmed by reductions in manpower. On the subject of retired officers, mention should be made of such service-related interest groups as the Navy and Army Leagues. With the exception of such special efforts as the Army League's occasional study reports—and the unique but elusive influence of the service clubs—these organizations would not seem to be sufficiently up to date in their thinking to contribute much to the supply of ideas, though they may have some restraining influence on the desire to eliminate established formations. See Armstrong, *op. cit.*, pp. 101–2.

[68] *Sunday Times*, February 26, 1961; and see Viscount Lambton's privately printed pamphlet, *Inadequacy*, 1961.

The tendency of British military planners and civil servants is to deny that public criticism has much effect on their recommendations. By the time events have stimulated such comment, it is said, the same stimulus has set on foot official studies which are more prompt and better informed. But even the proudest claimants for professional imperviousness agree that public sources and debate influence their political chiefs. Certainly it seems beyond question that press and Parliamentary criticism reinforced the case for reassessment at this time. The course of debate in Parliament supports this judgment by the frequency of references to well known commentators and the energy devoted to arguing as to whose side of the question particular pundits supported. One can often trace a notion from a commentator in one year, to the lips of a Parliamentary critic in the next, and to the White Paper or ministerial speech in the third. One of the clearest, though perhaps unintentional, tributes to the role of public debate was paid by Watkinson when, in defending the time taken to decide on abandonment of Blue Streak, he explained that, "Of course the decision was a narrowly balanced one. All big decisions are. Among the surrounding experts, the advisers, the newspaper correspondents, and so on, there are conflicting views."[69]

The abandonment of Blue Streak for military purposes, announced on April 13, 1960, had been foreshadowed by the annual White Paper earlier in the year.[70] The Government still clung to the principle of a national deterrent and both the prospective American airborne ballistic missile Skybolt and, for a later stage, the Polaris, were spoken of as the means to preserve British nuclear power after the Mk. II V-bomber armed with the free-falling missile, Blue Steel, had had its day. But official language adopted the phrase "independent contribution to the Western deterrent" and some observers believed the Government was resigned to the ultimate abandonment of a national deterrent, a policy already formally adopted by the Labour leadership. Certainly the trend was in the direction advocated by the Government's long-time critics, and official spokesmen now spoke more warmly of conventional forces as an essential component in the deterrent role played by the armed forces as a whole.[71]

This did not serve to scotch criticism, however, that now turned increasingly from the delusiveness of the deterrent to the inadequacies of conventional forces both in numbers and arms. The Government met these charges in part by some fairly blatant juggling of the figures, but once more a number of practical tests arose to lend credence to the criticisms. Unrest in Central Africa in 1960, the Kuwait expedition, and, above all, the Berlin crisis of August 1961, all drew attention to shortages of men and munitions. The Berlin crisis revealed that to prepare for the possible need for substantially reinforcing the Rhine Army, already reduced to a nominal 55,000, and actually well below strength, the Government had to seek legislation to retain the remaining conscripts and prepare to recall those recently discharged. Moreover, the Government admitted that the 165,000-man Army, when achieved, would not be "balanced", thus confirming charges that the CSC had not succeeded in creating an order of battle below the figures for which they had originally fought with Sandys. This a Conservative Member described as "the collapse of the Government's five year defence plan, six months before it was due to end."[72]

Despite the triumphal cries of the advocates of conscription, the Government resisted this solution and, while showing some interest in selective service, pinned its faith initially on a renewed drive for recruits—linked to a scheme for technical education—and on an attempt to raise a small, well-paid reserve of some 30,000, that was to make possible "expanding and contracting the Army in conformity with changing demands upon it."[73] A special study had already been set up under the CDS during the summer, to review military commitments and this was now supplemented by a group under the retiring CIGS, instructed to take a fresh look at prospects for further integration of the services.[74]

Along with these modifications of the substance of policy, beginning in 1959, there has also been a distinct effort to meet the complaints of undue authoritarianism and to improve the tone of official dealings. Duncan Sandys' forceful personality was always an important element in events during his tenure and his translation to the new Ministry of Aviation after the election of 1959 (where he was to knock together the heads of the aircraft industry rather than the CSC) did much to change the atmosphere. His successor, Harold Watkinson, seemed anxious for more amicable relationships and opened the 1960 defense debate with a general tribute to the CSC. Not much less important was the entry as CDS of Admiral of the Fleet Viscount Mountbatten who, by no means dedicated to the R.A.F. and certainly not to Duncan Sandys, apparently began a rapid and adept campaign to soothe ruffled feelings all around.

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[69] *H. C. Debs.*, April 27, 1960, col. 237.

[70] Cmnd. 952.

[71] See the defense debate, Feb. 29, March 1, 1960, *H. C. Debs.*, cols., 846–1168.

[72] Fitzroy Maclean, *H. C. Debs.*, Nov. 1, 1961, col. 218.

[73] *H. C. Debs.*, Nov. 1, 1961, col. 203 ff.

[74] The 1961 White Paper, Cmnd. 1288, had made a gesture toward integration by abandoning the classifications of land, sea and air, and adopting those of "the nuclear force" and "the conventional force."

At about the same time as Sandys' departure there occurred another important but very little noticed development: the appointment in September 1959 of an officer of equal rank to the Service Directors of Plans as Director of Plans to the CDS and as Chairman of the Joint Planning Committee.[75] This continued the process of fully equipping the CDS to take an independent initiative in planning and, by creating the machinery for giving the joint planning teams coherent terms of reference based on an interservice viewpoint, went far toward the method advocated years earlier by Montgomery.[76]

With the new Director as independent chairman, the DPC thus formed a microcosm of the new form of the CSC. There was some question as to whether this development would strengthen or weaken the Minister of Defence in relation to the professional military, and the answer would depend on how the undoubtedly reinforced CDS employed his new instrument. Within the service ministries there were also some misgivings as to whether the new office would not be used to prejudice the work of the joint planning teams in directions favored by the CDS. In practice, however, Mountbatten has apparently taken great pains to see that all sources of ideas are tapped and are known to be tapped. Before meetings of the Plans Committee to consider the drafts which planning teams have produced in consultation with the services and the Foreign, Colonial and Commonwealth Relations Offices, the independent Chairman secures other neutral views from the military, scientific and civil staffs in the Ministry of Defence. Similarly, before meetings of the CSC, the CDS receives not only the recommendations of the JPS but also his Director's own view and his preview of the services' positions. In addition, the CDS is briefed by his personal staff, which contains representatives of each service,[77] and by the Permanent Secretary and Chief Scientist or their representatives. Moreover the CDS has the habit of very freely bringing interested parties, particularly from the civil service, into the CSC to avoid any appearance of a closed military shop. The presence of the Director of Plans to CDS in the Ministry is said to have improved relations between the civil and military components of the defense establishment, whilst his attendance at all meetings of the CSC has ensured a more direct and healthier relationship between the CSC and the JPS.[78]

As a result of all this, those involved in joint planning now feel that there is a freer flow of ideas, a more trustful atmosphere and a better blend of a variety of views and interests than at any time since 1945. It is also said that since the appointment of an independent chairman no "split" papers have been sent forward by the joint planning committee.[79] This is not to say, however, that the problems of planning have been solved. For one thing, now that the failure of the Blue Streak project has cast a blight on the first flush of enthusiasm for deterrence as a panacea, and no service is yet confident that it has its hands on a substitute, the issues of defense policy are momentarily not such as to stimulate a wholehearted contest. Thus the improved lot of the Army can be regarded as symptomatic of more balanced, coherent strategic thought, but it may also be in part a return to the old "fair shares" arrangement—which might well be expected at a period of doctrinal poverty and under the conciliatory successor to a doctrinaire Minister. Should this be the case the next era of innovation or economy may reveal that the new planning system is as subject to disputes and ill feeling as the old. The performance of the new system under such a strain will, indeed, be the only adequate basis on which to judge it.

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[75] The first officer appointed, Air Commodore F. E. Rosier, had been Director of Plans in the Air Ministry.

[76] The JPC still reports to the CSC. But the CDS can initiate studies, informing the CSC, and the cover note to plans originated by the CDS makes reference to this initiative.

[77] This is a very small staff indeed. Service representatives double as the CDS's personal briefer on a geographical area.

[78] The service members of the JPC may also be invited to attend certain meetings of the CSC.

[79] Liaison with the Foreign Office on the mutual implications of military and diplomatic policy is said to have improved since the Permanent Under-Secretary's Department, which handles liaison with the CSC and Ministry of Defence, has established, in 1959, a stronger section for long-term planning.

For the moment, however, it seems reasonable to conclude that the Sandys' era definitely strengthened the tendency toward centralization in British defense policy and left Watkinson, even without his predecessor's vigorous personality, in firmer control of policy than Antony Head had been. At the same time, however, deliberate and apparently successful efforts are being made to reconcile this centralization with a flow of ideas and a freedom of debate much greater than under Sandys.

VII. THE "SANDYS ERA" AND STRATEGIC DEBATE

Whether Fitzroy Maclean was right when he said that Sandys' policy had collapsed will probably always remain open to argument. By 1962 the strategic nuclear force still existed, expenditure was being held down, universal military service had gone and the Army was much reduced. On the other hand, hardly anyone now relied on the nuclear force to perform the prodigies Sandys had forecast, and the small Army now sought after was to derive its efficiency as much from highly mobile conventional strength as from the nuclear capacity envisaged in 1957. Yet it could be argued that it took the shock of Sandys to stimulate the acceptance of the newer concept. As to whether the dogmatism of Sandys' approach made for undue rigidity in reacting to later information and ideas, it could be said that three or four years is not long to prove a policy. Yet undoubtedly the era did give rise to an unpleasant amount of figure-juggling and evasion, creating the unhealthy impression that defense was being made secondary to politics, in the narrower sense of party, and that changes of policy by speech were only occasionally accompanied by action. On balance it seems in retrospect that a less wholehearted plunge into strategic nuclear weapons would have been more consonant with the probable future development of British defense policy.[80]

It would be foolish to venture a prediction of the 1962 White Paper before it is published. Major changes in British defense policy have come about during the last five years when some aspect already under debate has encountered at least a partial practical test or obstacle, as with Suez or the rising costs of the Blue Streak. The Berlin crisis was such an occasion and already has accelerated modification of the Sandys' policy. The indications at the end of 1961 were for further development of the proposals for reserve forces, yet another increase in emphasis on airlift and mobility for conventional forces, and an initial measure of integration in research and development, especially perhaps if new generations of aircraft are to be approved. Two apparently divergent interests, that of the Foreign Office in pursuing further integration of NATO—related to the decision to apply to the Common Market—and a simultaneous ambition to develop Britain's pretension to be a center for military and strategic training for the newer nations—a conference on defense administration at Oxford in 1961 being perhaps the forerunner of a permanent program—might also be reflected in the paper, and it might not be beyond ingenuity to blend the two, integration in Europe releasing energy for the global task.

Within the official British defense establishment it seems probable that there will be further centralization of planning if not of execution, a continuation of the trend represented by "military statesmen" of the Mountbatten type and increased participation of civilian experts such as the Permanent Secretary, the Chief Scientist, and their staffs in matters once regarded as purely the concern of military officers. Following development of the Joint Staff, greater attention to long-range planning may lead to a department for fundamental military research of the kind Liddell Hart has long advocated. In general, recent reforms seem to have been aimed at harnessing the driving force of the political leaders without losing the benefits of professional staff work.

One noteworthy contrast with the United States is the absence in Great Britain of the semi-official research groups, such as the RAND Corporation or the Institute for Defense Analyses, to broaden the range of talent and variety of viewpoints on which the services and government can draw, and to serve as a link between the "insiders" and the wider market for strategic ideas. There is also a relative lack of academic interest in national security policy. One symptom of this is the heavy reliance of British politicians upon American authors for their arguments. Indeed one might wonder whether such Labour leaders as Denis Healey have not overdone this and acquired opinions—favorable observers would say sophistication—which partly accounts for their losing touch with the sentiments of many of their followers.

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[80] It should not go unsaid that, as a secondary Power, Britain was handicapped by the need to conform in part to American policy at a time when it was not very clear what this was.

There is undoubtedly a good deal of prejudice in Britain against anything which seems to be a breach in the principle of keeping affairs within the official family. The disadvantages of such openness as is practiced in the United States for security and discipline are obvious enough. Less frequently acknowledged are the liabilities of a closed system which obscures the proper basis of debate, encourages rumor and constrains the exchange of ideas between the professionals and intelligent observers. In practice it is clear that contacts between official and unofficial interested parties do take place, if haphazardly, and journalists do find grist for their mill. A more open acknowledgment of the relationship between the inner and outer sections of the market therefore, might not only make the creative resources of a wider range of talent available to those in charge of policy, but also relieve them of some of the difficulties which arise from criticism which is ill-founded and from the rumor which ostentatious reticence nourishes.

It thus seems possible that, paradoxically, one of the more promising areas in which to look for improving the British defense machinery may lie outside the machine itself, in the encouragement of closer attention to questions of national security both by officially countenanced, specialised consultants, and by a wider attentive public.[81] Education of the wider public in questions of fundamental strategy seems particularly desirable, not only on grounds of democratic theory during an age when technology increasingly demands delegation of fateful decisions, but also because so many of the government's problems revolve around the question of what the public can be induced to support. Even in Great Britain, despite the towering authority of the Prime Minister and his dominance over the legislature, the government needs a high degree of consensus among both services and public if the execution of its policies is to be wholehearted and sustained. The government may be formally unassailable, yet it needs the ultimate approbation of an attentive audience from which it can seldom permanently hide its performance, and from whose stock of ideas it cannot insulate itself. Nor should it try. For here may lie germs of dissent and innovation from which will spring the doctrine of tomorrow. Though there must be decision, it should be decision tempered by the freest possible flow of thought in the widest market compatible with national security: a limit likely to be generous on the more fundamental questions of strategy. Thus if, however unjustifiably, the Blue Streak is coming to be regarded as a monument to the dangers of dogmatism in the conduct of defense policy, the myth may yet prove a salutary one.

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[81] This is not to say that the scepticism of many British military officers and commentators as to the pretentious apparatus with which some American military experts surround themselves may not be justified. But none of the unofficial British commentators I have talked to doubt the need for this kind of activity in principle.

CONGRESSIONAL INNOVATION AND INTERVENTION IN DEFENSE POLICY: LEGISLATIVE AUTHORIZATION OF WEAPONS SYSTEMS*

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Students of congressional-executive relations have long recognized the weakness of legislative oversight of the Executive, and in few areas of public policy has this weakness been more pronounced than in national defense. A recent and significant change in this relationship was made when the 86th Congress in 1959 imposed upon a reluctant executive and military establishment a major innovation in the established processes of making defense policy. The innovation was deliberately intended to alter the balance in executive-congressional controls over some strategic decisions, and was in the form of a new requirement for legislative authorization of the principal weapons programs of the military services. Designated the Russell amendment, it was incorporated into the Military Construction Authorization Act for Fiscal 1960 as Section 412(b) and directed that

> No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels unless the appropriation of such funds has been authorized *by legislation enacted after such date.*[1]

This terse stipulation served to break the monopoly long held by the annual Department of Defense Appropriations Act as the single regular confrontation of Congress, as a decision-making participant through its appropriations committees, with the complex of strategic issues and choices contained in defense policy. In adopting the practice that has—notwithstanding objections—governed its foreign aid policy determination since the war, Congress reversed the long-standing custom of generalized authorization on a continuing basis for major procurement by the armed forces. It made a substantial and critical proportion of the defense budget subject to review by the legislative committees, by means of the requirement of a prior legislative authorization intended to operate on an annual basis.[2] Section 412, in effect, represents an attempt by key legislative spokesmen in the defense area to reorder the formal process of policy-making in a manner which, by broadening the span of control and jurisdiction of the Committees on the Armed Services, will enhance the power of Congress.

Students of military affairs have paid relatively little attention to the role of Congress and the legislative functions in defense policy-making.[3] There is a general assumption that Congress must be involved at some level in certain kinds of military decisions, but rarely as a constructive or significant participant. Its negativism, its preoccupation with detail and with marginal concerns, are duly noted,[4] and attention then turns to the executive and the military. Certainly the tendencies toward negativism, and the fixation with incidentals rather than with the major questions of policy choices, are real enough. However, such studies as those of Hilsman and Huntington[5] have pointed the way to a more explicit recognition of the legislative functions in the political processes of defense, and to the fact that the role of Congress, although subordinate, adds an important and distinctive element. An analysis of the origins and initial experience

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[1] Public Law 86-149. 73 *Stat.* 322. Italics added.

[2] For fiscal 1962, when it requested $43,794,345,000 in new obligational authority in the Defense Appropriation Bill, the administration was required under Section 412 to seek new legislative authorization for $11,974,800,000 for major weapons procurement.

[3] See the discussion of Richard C. Snyder and James A. Robinson in *National and International Decision-Making: A Report to the Committee on Research for Peace* (New York: Institute for International Order, 1961), pp. 84–85, 145–148.

[4] Not unusual in this respect is the treatment of Congress *vis à vis* the military by Morris Janowitz in *The Professional Soldier: A Social and Political Portrait* (Glencoe, 1960), pp. 354–360, which he entitles "Congressional Negativism."

[5] Roger Hilsman, "Congressional-Executive Relations and the Foreign Policy Consensus," this Review, Vol. 52 (September, 1958), pp. 725ff.; and Samuel P. Huntington, "Strategic Planning and the Political Process," *Foreign Affairs*, Vol. 38 (January, 1960), pp. 285ff.

under Section 412 provides some additional insights into this role, and into the conditions of an active and effective legislative intervention in strategic decisions.[5a]

I. THE ROLE OF CONGRESS IN STRATEGIC DECISIONS: HYPOTHESES SUGGESTED BY THE AUTHORIZATION REQUIREMENT

A significant aspect of this episode was that, contrary to the more usual practice of expanding delegations of authority to the armed forces in a time of military danger and an atmosphere of "preparedness," Section 412 had the effect of rescinding or delimiting their authority simultaneously with a growing anxiety over such a danger. It could be argued from the timing of the move—coming from a Democratic Congress in the late stages of the second term of a Republican President whose judgment in military matters seemed invincibly popular—that Section 412 was the result of a temporary excess of partisanship. But the determined implementation of the device by a Democratic Congress in 1961, in the face of a world crisis and expanding miltary programs, is evidence of more than a cyclical zeal.

Also, the factor of inter-committee rivalry—the resentment by some Armed Forces Committee members of the preeminence of Appropriations—could be adduced as an important factor behind the adoption of Section 412. But though this element was certainly present, the fact remains that the leadership of what we may call the "412 movement" came from a group of senators who served on both committees in that chamber.

Partisanship and committee competition thus cannot adequately account for this departure from well established methods and procedures. This study will attempt to show that Section 412 is the product, basically, of a sense of restiveness among congressional leaders in the area of defense policy, particularly in the Senate. This restiveness has grown out of their dissatisfaction with the course of events in the military establishment, the evident inability or disinclination of the administration to order matters more to their liking, and their own sense of helplessness in the legislative branch to influence military policy decisions, except by negative restraints that are of little significance in a period of international tension. Dissatisfaction, gradually accumulating over a period of years, created among these leaders a frame of mind receptive to a search for new techniques and devices which could redress in some measure the disparity in executive-congressional powers over military affairs, provide Congress with a more effective means of evaluating executive policy, and supply methods by which correctives sought by Congress might be applied.

Besides this general hypothesis of mood, the series of events leading to the imposition of the weapons authorization requirement also suggests that the likelihood of Congressional intervention in strategic policy questions in any specific instance is maximized under these circumstances:

(1) When technology and doctrine are in flux so that there is no standard orthodoxy, and, as a result, many important decisions must be reached on the basis of political as well as technical criteria;

(2) When the military services advance opposing doctrines, and thereby divulge derogatory information about rival programs, or, in the interests of mutually protective harmony, pursue such evidently duplicating programs that members of Congress are enabled to raise embarrassing questions and gain a foothold for action;

(3) When forceful committee chairmen in Congress, and senior members of these bodies, can match the administration's political executives at the Pentagon in span of experience, familiarity with specific details of policy and program development, and political standing.

These conditions all point to the obvious fact that evidence of executive indecision is an invitation to congressional intervention. In this connection, the origins of Section 412 demonstrate that hard-pressed executive officials will sometimes deliberately create an environment for legislative intervention. Pressed by rival programs or doctrines within their own agencies, and unwilling to assume the penalties of choice themselves, they may allow a "crisis" to bring an issue to a head knowing that Congress will compel some resolution of the conflict, transferring to itself the onus of ensuing deprivations. But Section 412 also demonstrates that the nature of such invited congressional arbitration is neither controllable nor predictable.

[5a] Since the completion of this paper, Bernard K. Gordon has published a study of Section 412: "The Military Budget: Congressional Phase," *Journal of Politics*, Vol. 23 (November, 1961), pp. 689ff. He ascribes much greater weight to committee rivalries, particularly in the House, as a factor in the origins of Section 412, and is more dubious of its benefits. He observes that Section 412 may have a "salutary effect," but he concludes that the goal of "effective congressional—and civilian—control of the military establishment" is more likely to be achieved through "a single locus of the appropriations power . . ." (p. 710).

II. OTHER TYPES OF CONGRESSIONAL CONTROL

To put the Russell amendment—Section 412—in perspective, it will be useful to recall that, over the last decade, Congress has resorted to a variety of techniques to exert control over military policy. It has tried to interpose in the deployment and use of forces; it has engaged in direct attacks upon the military leadership; it has worked to structure the defense establishment and component agencies to facilitate its lines of access into the military departments; and it has conducted investigations and inquiries about various phases of military programs. All of this has availed it little, however, in the sense of tangible and direct influence upon policy.

Primarily, Congress has focused its efforts to reshape or modify policy through its control over appropriations. This too has been a disappointing instrumentality. Year after year, the defense budget represents the only consistent, regular, and systematic point of contact between Congress and the substantive policy issues of defense. The task confronting Congress in acting upon this budget is overwhelming. Its members have, and can have, no adequate facilities for formulating alternative programs in any systematic fashion; for this they must rely on military dissent. They must accept in the main what is submitted, grappling with thousands of items and reams of documentary exhibits. They will try to ferret out some evidence of waste and mismanagement, and usually succeed, but this bogs them down in a morass of detail and diverts their attention frequently from underlying strategic issues. In a time of military danger, with the attendant "preparedness" climate, they are naturally inhibited from making any major attack upon the budget proposals or from forcing significant reductions. And they have also been thwarted in attempts to alter policy by providing additional funds over the amounts requested by the President's agents. A legislative majority could not compel President Truman to increase aircraft procurement in 1948, nor could it compel President Eisenhower to accelerate the Nike-Zeus program, by the expedient of voting additional funds. When the President refuses to use the money, when he—in Charles Wilson's phrase—"puts it in the bank," Congress has no practicable recourse. In short, the totals involved in the defense budget have become so great, the lump-sums and carry-overs so large, the discretion to shift funds from one category to another so extensive, that budgetary controls have actually provided Congress with little leverage over policy.

The important positive decisions about defense and strategy have therefore not been made by Congress, though anticipations of congressional opposition have no doubt operated as inhibitions against some policy choices. In a degree not paralleled in any other field of public policy, the position of the executive in this sphere has been definitely ascendant, and Congress has not been able to reverse that fact. It has maintained its lines of access into the defense establishment, and it has rejected such proposals as UMT, which seemed to draft manpower unnecessarily and provoked strong dissent from many influential groups in American society. In the main, however, a degree of "inviolability"—as Samuel P. Huntington has phrased it—has attended the strategic policy proposals embodied in executive requests, an inviolability which stands in sharp contrast to the record of congressional action on presidential programs in domestic policy, or even in foreign policy.[6]

Section 412—the new authorizing requirement—does not mean that this executive primacy has been, or can be, overthrown. As a result of the very nature of defense policy, its substantive problems and issues, and of the qualities inherent in the nature of the legislative and executive branches as political institutions, this primacy will continue. But Congress has now put itself in a position to introduce its voice and its will through another channel of regular and systematic contact with basic strategic programs. Through resurrecting the device of substantive authorizing legislation, adapting it to previous experience and to some salient characteristics of contemporary defense planning, it has provided itself with one more means of leverage.

III. AUTHORIZING LEGISLATION AND THE MILITARY ESTABLISHMENT

Though the primary instrumentality of congressional action on defense policy has been through appropriations, certainly the involvement of Congress in the affairs of the armed forces is much more extensive than the voting of money. Year after year a vast amount of detailed legislation must be acted upon to insure the proper functioning of the military establishment. This legislation encompasses, *e.g.*, reserve affairs, military pay, retirement and other career incentives, contract negotiation, and a wide range of other problems. Legislative activities here are vital to the management and operation of the armed forces and essential to their effective functioning. For the most part, however, such matters as these are not the determinants of basic defense policy. They are, in the main, incidental to or in support of it.

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[6] Huntington, *op. cit.*, pp. 286–88.

This points up the extent to which defense affairs have not been closely related to substantive legislation that defines the operating framework of policy and the supporting programs. The authorization legislation for the military departments has characteristically only established ceilings—and these very high ones, so that the same authorizing statutes could support a defense budget of $15 billion, or $40 billion. Hence the unusual degree to which defense policy has been insulated from substantive, authorizing legislation and limited chiefly by budgetary action. The exceptions to this have been military pay, military assistance programs, and military public works. In these three categories the appropriations are determined in a framework of detailed substantive statutes, and the latter two are subject to annual legislative action. Military pay, however, falls into the category of legislation previously referred to, while military assistance is a part of the mutual security program and is within the jurisdiction of the Committee on Foreign Affairs and the Committee on Foreign Relations—not the Armed Services Committees. Of public works more will be said in a moment.[7]

The distinction made by Congress between authorization and appropriation, and their separation in the legislative process, is certainly not one to be overemphasized. The requirement that authorization precede appropriation gives rise to "friction" and is applied with "irregularity."[8] Yet it is a distinction to which Congress usually gives due consideration, and the broadly drawn character of the military authorizing statutes, as contrasted with those affecting most domestic policy undertakings, and the sheer size of the military budget as contrasted with those of most other government agencies, have placed the military in an unusually favorable legislative position. No one, and Congress least of all, seems to know how to go about the task of a long-range, comprehensive revision of permanent force levels in the present fluid environment of international conflict. Confronted with massive military procurement programs each year, however, some members of Congress—and especially several members of the Senate Armed Services Committee—have become increasingly impressed over the last few years with the extent to which basic questions about strategy and policy have tended to form around a nexus of specific programs of the three services for the development and procurement of weapons. This led to a re-examination of the legal warrant held by the services to pursue the programs, a re-examination prompted by policy disputes in the field of missiles development, particularly with reference to continental air defense.

IV. *ARMY-AIR FORCE AUTHORIZATION* ACT OF 1950

The basic substantive legislation pertaining to the Army and the Air Force in these categories was the Army and Air Force Authorization and Composition Act of 1950. For the Air Force, it authorized "24,000 serviceable aircraft or 225,000 airframe tons aggregate of serviceable aircraft, whichever amount the Secretary of the Air Force may determine is more appropriate to fulfill the requirements of the Air Force. . . ." The Secretary was also empowered to procure "guided missiles" without any specified limitation, and the statute stated that these were not to be included in "the number of aircraft or airframe tons authorized"; and to procure "spares, spare parts, equipment and facilities necessary for the maintenance and operation of the Air Force." The Secretary of the Army, in turn, was authorized to "procure materials and facilities, including guided missiles, necessary for the maintenance and support of the Army . . . and its divisions and other military organizations, and their installations and supporting and auxiliary elements. . . ." For the Army, Air Force and the Navy, the act also provided that money appropriated for these purposes, and for research and development programs, was to "remain available until expended, unless otherwise provided in the appropriations act concerned."[9]

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[7] See Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, 1957), pp. 407–409.

[8] For a detailed analysis, see Arthur W. Macmahon, "Congressional Oversight of Administration: The Power of the Purse—I," *Political Science Quarterly*, Vol. 57 (June, 1943), p. 174, Macmahon comments: "The risk of friction is inherent in the existence of two partly parallel sets of committees. Much irregularity attends the fact that the whole distinction rests on provisions in the rules of the chamber, enforced by points of order. Through inattention or comity, points of order that would be sustained are often not made. Sometimes a special rule is adopted at the request of the Committee on Appropriations which gives blanket protection against points of order. Much authorization is implied rather than expressed, furthermore, and in many situations there is a wide range for the judgment of presiding officers in applying the rules when points of order are made."

With specific reference to this parallel structure in military affairs, see Elias Huzar, *The Purse and the Sword: Control of the Army by Congress through Appropriations, 1933–1950* (Ithaca: Cornell University Press, 1950), pp. 40–46.

The mood and the intent of Congress in making these liberal provisions were underscored in a parenthetical observation of the Senate Armed Services Committee when it first reported out the bill in 1949. Remarking on their belief that the House version of the bill permitted an excessive number of commissioned officers for the Regular Army, the senators reasoned:

> In the hearings on this bill, and by later investigation, it was found that the Army will not reach its present authorized strength [of 30,600 commissioned officers] for approximately 9 years. The committee feels that the size of the regular Military Establishment is far in excess of that which will be required in the event world conditions are stabilized, and it anticipates that such will be the case before 9 years have passed.[10]

Simultaneously with the final passage of this act, the nation became involved in the Korean war. As a result all personnel ceilings imposed in the act, and in the 1946 Navy personnel act, were suspended for four years, and Congress has continued periodically to renew the suspension.[11] Generous provision was meanwhile made for the Navy's air power, in legislation authorizing an active force of up to 15,000 aircraft, with the added admonition that if, "in the judgment of the Secretary of the Navy the number of airplanes authorized is insufficient to meet the needs of the national defense, the Secretary may, with the approval of the President, make such plans for procurement as the situation demands."[12]

The fleet, of course, had been provided for much earlier, in legislation dating back to the 1930s. Chairman Carl Vinson of the House Armed Services Committee in 1959 summarized the status of the Navy in this respect in these words:

> In the field of ship procurement, the situation is so broad today that the Armed Services Committees consider only a small fraction of the total shipbuilding program each year.
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> . . . It [the Vinson-Trammell Act], with its subsequent amendments, provided enough tonnage for the Navy to build ships for an untold number of years without any further authorization. All the Navy has needed, and all it needs today is appropriations.[13]

This same statement could also have been made about the missile programs of all the services, and the aircraft procurement of both the Air Force and the Navy. Necessarily, then, legislative participation in policy decisions was localized around the appropriations function.

V. REAL ESTATE, PUBLIC WORKS, AND CONTINENTAL AIR DEFENSE

A major exception to the exemption of the armed services from the practice of detailed substantive legislation in authorizing their principal programs, as noted already, embraced the area of real estate acquisition and public works construction. Developments in weapons, and especially in missiles, have recently had the effect of imparting a new strategic significance to these public works.

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[9] 64 *Stat.* 321. For an analysis of the legislation, and the expressed intent of Congress in the authority voted, see Senate Committee on Armed Services, *Authorizing the Composition of the Army . . . and the Air Force of the United States*, S. Rept. 933, 81st Cong. (August 18, 1949); and House Committee on Armed Services, *Personnel and Composition of the Army and Air Force*, H. Rept. 64, 81st Cong. (February 10, 1949).

[10] *Authorizing the Composition of the Army . . . and the Air Force . . .*, S. Rept. 933, p. 2. The Act authorized a troop strength of 837,000 for the Army, plus 110,000 inducted trainees in service at any given time; and the Air Force was authorized 502,000 regulars plus 15,000 trainees. Appropriations then being sought by the National Military Establishment were considerably under these levels. "Obviously," said General Omar Bradley in his testimony, "Congress cannot—and indeed will not—appropriate from year to year sufficient funds for the maintenance of this authorized force." House Committee on Armed Services, *Hearings on H. R. 1437* . . . (81st Cong., 1st sess., Committee Paper No. 12), pp. 105–106.

[11] *Congressional Record*, Vol. 96 (81st Cong., 2d sess.), pp. 10998–11006, and 11083–85. The most recent suspension of the personnel limitations was voted in March, 1959. *Ibid.*, Vol. 105 (86th Cong., 1st sess.), pp. 1663–90, 3402–8.

[12] 10 U.S.C. §7341.

[13] *Cong. Rec.*, Vol. 105 (86th Cong., 1st sess., 1959), p. 13477. A useful history of the Vinson-Trammell Act, and subsequent Navy legislation, related in the context of executive-legislative relations, is in Lawrence H. Chamberlin, *The President, Congress and Legislation* (New York: Columbia University Press, 1946), pp. 235 ff.

Congress has always had a very pronounced interest in the real estate transactions and public works projects of the military departments, and kept them under close surveillance, although for reasons that historically have had far more to do with constituency politics than with strategy. Emergency legislation suspended the process of annual authorization for military public works after 1940,[14] but this traditional practice, on a detailed line-item basis, was resumed in 1947.[15] Even during the Second World War, however, a watchful eye was maintained over many real estate matters, especially by Chairman Vinson's House Committee on Naval Affairs. When cold war rearmament again led to vast military public works projects throughout the nation, the Congressmen were disposed to expand their supervision of real estate transactions, and in so doing they collided with the Budget Bureau and the President.

A climax was reached in 1951 when a bill was enacted which required the military departments to "come into agreement" with the Armed Services Committees on the great majority of all real estate transactions to which they were a party, as a condition precedent to the necessary legislative approval of such transactions. To the disgust of Chairman Vinson, the author of the bill, President Truman vetoed it, but the resourceful and influential Georgian thereafter attached the identical proviso to the Military Construction Bill that was before his committee. Retained by the Senate, despite administration protests, and made applicable to virtually all real estate transactions in excess of $25,000, the bill passed with the "coming into agreement" proviso securely ensconced in a construction authorization bill that was too pressing to be delayed by another exercise of the veto.[16]

Real Estate Controls and Air Defense Weapons. This "coming into agreement" clause, which was operative throughout the 1950s, and the long-established practice of annually passing legislation authorizing military public works, had the unintended result of involving the Armed Services Committees very deeply in the development of Army and Air Force programs for continental air defense and, more recently, in a variety of other missile site construction projects. Indeed, the involvement was more intensive than in any other strategic policy area, because of the close relationship of substantive legislation to policy development. Air defense was, moreover, throughout the 1950s, characterized by vigorously contested interservice disputes over doctrine and roles and missions, and marked by intense competition for funds in support of particular weapons programs. The experience made a deep and lasting impression upon the Armed Services Committees, particularly in the Senate.

This experience grew out of the fact that the air defense programs of both the Army and the Air Force entailed annual action by the Armed Services Committees on legislation authorizing the hundreds of construction projects required, and their approval of hundreds of separate real estate transactions to provide the sites for the projects. Radar networks had to be authorized, combat control centers approved for construction, and defensive weapons deployed. Some statistics on one Army program alone will illustrate the range of committee action that was entailed. Beginning in the summer of 1953 the Army began deploying its Nike-Ajax surface-to-air missile. The range of the missile was approximately twenty-five miles, and the Army had elaborate plans to site it around urban complexes and defense installations throughout the United States. Obviously the missile sites had to be located in immediate proximity to the point defended. Each Nike battery required, first, an area of about eight acres for radars and computers, a launching area consisting of some forty-three acres, and ten additional acres for equipment and as a safety zone. In each of the launcher areas it was necessary to construct three underground magazines with four launchers in each, and the site had also to include a missile assembly and test building, a missile fueling facility, troop housing, mess hall, and troop support facilities.[17] From the start, the committee was necessarily and regularly involved in a detailed analysis and review of the program, approving the real estate acquisition and authorizing the construction of facilities on a line-item basis.

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[14] The first suspension was in an act of July 2, 1940, and it was subsequently extended for the "duration plus six months" under the First War Powers Act. 54 *Stat.* 712 and 56 *Stat.* 312.

[15] House Committee on Armed Services, *Hearings on H.R. 4122, Authorizing Military Construction* (80th Cong., 1st sess., 1947).

[16] President Eisenhower asked repeal of the proviso in his budget message in 1959, and in the fiscal 1961 budget message he stated that "the Attorney General has advised me that this section violates fundamental constitutional principles. Accordingly, if it is not repealed by the Congress at its present session, I shall have no alternative thereafter but to direct the Secretary of Defense to disregard the section unless a court of competent jurisdiction determines otherwise."

As a result of this demand, the proviso was removed and a clause inserted in the Military Construction Authorization Act of 1960, which requires instead that real property transactions be "reported" to the Committees, in most instances thirty days prior to the completion of the transaction. 74 *Stat.* 186.

The Nike network was only a minor part of the total continental air defense programs. Including the radar warning systems, the SAGE control centers, the aircraft and bases of the NORAD fighter-interceptor units, the various Army and Air Force missiles systems that were deployed, the Secretary of Defense stated in 1958 that the total capital investment made in continental air defense in a period of four and a half years had exceeded $13 billion, and that operating costs were $2 billion annually.[18] A House Appropriations Committee report in 1959 stated that over a ten-year period the nation had spent $29 billion on these programs—warning, control, and weapons—that had been designed to meet the threat of manned-bombers and air-breathing missiles.[19]

The details of the various conflicts over doctrine, roles and missions, or weapons, which have arisen between the services in connection with air defense do not need to be noted here, except to say that they have been subjects of serious dispute. Both the Army and Air Force have questioned the other's proper function and mission, and cast doubts on the effectiveness of the other's weapons. Nor have such disputes been peculiar to the problem of air defense. They have been the common currency of Pentagon politics. What is important here is that members of Congress through the Armed Services Committees have consistently had a different kind of relationship to the developments in air defense than they had in any other strategic program throughout the 1950s, and that these Committees found that by participating at a stage closer to operations than appropriations they were able to state criticisms on the basis of a greater knowledge of problems and issues, knowledge gained from annual and detailed review of legislative programs. As a result, they were able to exert a more effective leverage on policy decisions. The necessity for legislation prior to or complementary with the annual appropriations bills placed Congress in a more advantageous position, when it had a complaint or recommendation to enter.

The Nike-Talos Dispute. This was first brought out in 1956 when the Armed Services Committees were confronted with a request to authorize the Air Force to establish installations for a land-based version of the Talos surface-to-air missile. The Air Force wanted to begin deploying the missile to protect four bases of the Strategic Air Command. The Senate military construction subcommittee had been somewhat skeptical about the Nike program, and it was also concerned with the skyrocketing costs of air defense. It wanted to know why both the Nike and Talos were needed. If the Talos were the better weapon, why was it not used to defend cities? Otherwise, why would the Nike not suffice as the defender of SAC bases as well as cities? In any event, the Senators could see no purpose in having rival missile systems on site for the defense of overlapping areas.[20]

This expression of doubt and concern by the Senators naturally led the two services to fear action adverse to their interests. Each hurriedly came forward to defend its program. Army Chief of Staff General Maxwell Taylor bluntly told the Senate defense appropriations subcommittee that the Air Force decision to install the Talos was "an invasion of the Army antiaircraft role."[21] Other Army spokesmen asserted that the Air Force proposal was premature, since the Talos was not yet operational and would not be for some time. As for the Nike, the Army never retreated from its "un-qualified assurance" that "Nike can be relied on" as a weapon "capable of operating against any known aircraft or any aircraft projected into the future of the next five years or so."[22] The Air Force profoundly disagreed. An air staff analysis was leaked to the press at this juncture, dismissing the Nike as an ineffective weapon incapable of meeting the threat posed by high altitude jet bombers.[23]

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[17] Senate Armed Services Subcommittee, *Hearings on S. 1765, Military Public Works Construction* (84th Cong., 1st sess.), pp. 273ff.

[18] A detailed analysis of air defense costs was in Senate Committee on Armed Services, *Military Construction Authorization, Fiscal Year 1959*, S. Rept. 1982, 85th Cong., 2d sess. (July 28, 1958).

[19] House Committee on Appropriations, *Department of Defense Appropriation Bill for 1960*, H. Rept. 408, 86th Cong., 1st sess. (May 28, 1959), pp. 15–16.

[20] Senator Stennis referred to committee concern about the "effectiveness" of Nike and "its range or lack of range," and to the great expense incurred on air defense. He concluded: " . . . I certainly have always steered away from the idea that this subcommittee was a policy making committee on missiles for defense installations except we do approve this when we keep recommending these sites and this money. . . . " Senator Jackson maintained that for Congress to agree to finance both Nike and Talos was simply to compromise service rivalries. *Hearings on S. 3122, Military Public Works Construction* (84th Cong., 2d sess.), pp. 395–96.

[21] *Hearings, Department of Defense Appropriations Bill for 1957* (84th Cong., 2d sess), p. 87.

The Senate subcommittee, after making some inquiries of its own, reacted to this by striking out the Talos in the military construction authorization bill. It said this was being done until "the relative merits of both systems have been positively tested and roles and missions clarified." While Congress ought not "to be placed in the position of defining roles and missions," or of passing on the merits of weapons, it continued, "unless concise responsibilities are assigned, duplication of weapons systems costing in the multi-billion range might result. . . ."[24] The House Armed Services Committee was reluctant to veto a military program, fearing that this was trespassing in the domain of professional decision. It was therefore agreed in conference that the Talos authorization would be conditionally restored, on the understanding that it would not be utilized until the Secretary of Defense had "come into agreement" with both Armed Services Committees on the subject, following an impartial study of the relative capabilities of both the Nike and Talos.[25] On this ground, and also because of an objectionable provision in the bill relating to military housing construction, the President returned it with a veto. He declared: "If the committees should fail or decline to agree with the plans prepared by the Secretary of Defense, the practical effect of this provision would be to lodge in the committees the authority to nullify congressional authorization."[26] With this, the Senate committee insisted upon striking out again all authorization for Talos installation construction, and both houses then agreed.[27]

Later that year the Secretary of Defense issued a memorandum clarifying roles and missions, in which he assigned to the Army the development and deployment of surface-to-air missiles up to the 100-mile range, removing the previous limit of fifty miles. This automatically put the development of the land-based version of the Talos into the Army's hands. During 1958 the Army announced discontinuance of the Talos program. Chairman John C. Stennis of the Senate military construction subcommittee commented in the upper house that, although enthusiastic claims had been made before this group about the need for the Talos and the important contributions it would make to air defense, since the 1956 action nothing further was ever heard about it until word was received that the Army had cancelled the program. The Senator was personally convinced, and his colleagues agreed, that if the 1956 request had been given legislative approval additional Talos sites would have been installed to cover areas already under the guard of Nike, and that by this action Congress had forestalled a needless and costly duplication that the Defense Department was either unable or unwilling to prevent.[28]

It seems important to note, with reference to the Nike-Talos imbroglio, that the issue was identified and brought to a decision by the deliberations and actions of the Armed Services Committee in the Senate—specifically, by the military construction subcommittee. The Nike program had been before the Appropriations Committees for several years, and annual presentations about its deployment and performance had been made by the Army. Yet, not until the probings of the military construction subcommittee had obviously struck at some vulnerable and sensitive nerve ends in the Pentagon did the appropriations committees join the fray. The strong presumption must be that, immersed as they were in the complexities of the total defense budget, the span of attention of the appropriations committee members was too diffuse to permit the isolation of concrete issues, despite widespread dissatisfaction with missile programs generally.

Little more than a year after the Talos incident, the military construction subcommittee found what it believed to be another and more costly duplication in the air defense programs submitted through the Defense Department.

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[22] Lt. Gen. S. R. Mickelsen, in House Appropriations Subcommittee, *Hearings, Department of Defense Appropriations for 1956* (84th Cong., 2d sess.), pt. 1, p. 396.

[23] On the air staff analysis "leak," see Anthony Leviero, *New York Times*, May 21, 1956, p. 1. This was but one of a deluge of leaks from the military departments during that spring and summer.

[24] *Authorizing Construction for Military Departments*, S. Rept. 2364, 84th Cong., 2d sess. (June 26, 1956), pp. 10–11.

[25] *Cong. Rec.*, Vol. 102 (84th Cong., 2d sess.), pp. 12167–77.

[26] *Ibid.*, p. 12959.

[27] *Ibid.*, pp. 14634, 14884.

[28] *Ibid.*, Vol. 104 (85th Cong., 2d sess.), p. 15543.

The Air Force in 1958 began seeking authorization for installations for its Bomarc A missile, an "area-defense" weapon as distinguished from the Army's point-defense missiles. Neither service had any hesitation in voicing its unbounded confidence in the superiority of its own defensive system, while looking with great skepticism upon that of its rival. Again the subcommittee made a detailed and critical review of what it considered to be duplicating programs, in this instance the Bomarc and the Nike-Hercules, and in the authorization bill made a twenty percent reduction in the total funding sought for the two systems.

> In taking this action [explained Senator Stennis], the committee does not attempt to set itself up as military experts. These are decisions that must be made by the Secretary of Defense supported by qualified technicians. The committee took this action as a matter of focusing attention on the problem and in underlining its beliefs that Congress should not be called upon to determine the merits of competing weapons systems.

The reduction, he stated, would still permit the Secretary to proceed with construction of essential missile sites, but it would bring pressure to bear to compel a needed decision upon a well ordered surface-to-air missile program that would eliminate unnecessary overlapping between the two services.[29]

Although legislative intervention of this nature in missile programs was primarily confined to the air defense area, these Senate actions on Talos, Hercules and Bomarc coincided with more general expressions of anxiety and dissatisfaction about all aspects of missile developments. The situation in air defense, congressional sources complained, was not unique but was, in fact, symptomatic of basic defects in the decision-making processes in the Department of Defense that were having an adverse effect in all areas of weapons development. Congressmen found confirmation of their views in the resignation, early in 1956, of Trevor Gardner and his public protest against what he called an "administrative nightmare" and "intolerable rivalry" between the services which were obstructing progress in missile development.[30] The congressional viewpoint was succinctly put in the statement of the House Appropriations Committee on May 21, 1957, pointing to "an apparent lack of timely, effective, and decisive action on the part of the Office of the Secretary of Defense in achieving a well-rounded, coordinated guided missile program at a minimum cost commensurate with an adequate system." Echoing Gardner's allegations, the congressmen criticised "an increasing degree of rivalry among the services for roles and missions," which had reached such proportions as "to jeopardize and delay the rate of build-up of our military power." Each service was "striving to acquire an arsenal of weapons complete in itself to carry out any and all possible missions."[31] Clearly the mood of Congress was one leaning toward further intervention, if it could isolate additional concrete controversies such as the Nike *vs.* Talos.

VI. REORGANIZATION AND THE GENESIS OF A LEGISLATIVE INNOVATION

At this juncture, the Soviet Union put Sputnik I into orbit, in October of 1957. This event immediately provided a focus for a theretofore unstructured political debate over missiles and U.S. defense posture. It produced a flurry of investigations in Congress and provided a powerful talking point for the legislative critics of administration policy. In this context—with Congress increasingly disposed to intervene in defense policy matters—the President advanced a series of proposals calling for a reorganization of the Department of Defense. In the spring of 1958 his proposals were embodied in specific legislative requests, and the immediate origins of the 1959 authorizing amendment are to be found in the resulting debate on defense organization.

As these debates progressed, Democratic spokesmen especially came to voice the notion that the administration was attaching to defects in organization the major shortcomings in defense policy, and that the onus of these defects was being placed upon the congressional doorstep. Chairman Russell of the Senate Armed Services Committee observed that many statements made in support of the President's proposals carried the implicaiton that "the Secretary of Defense is powerless—that he is a mere figurehead—and that the Congress has made no provision for the unified strategic direction of the military services." This, he asserted, was "an impression that is without factual foundation."[32] Thus, there was a contest between the two branches of government to fix responsibility for policy failings, each holding the other accountable for serious organizational defects as a source of the trouble. Armed Services Committee members in both houses repeatedly insisted that many weaknesses in the decision-making structure could specifically be attributed to a failure of officials to use powers already provided, more than to any failure of Congress to endow the executive with needed authority. As evidence they cited the Talos dispute, and the Nike-Bomarc dispute, and the Thor-Jupiter dispute, all of which the Secretary had authority to settle.

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[29] Senate Committee on Armed Services, *Military Construction Authorization, Fiscal Year 1959*, S. Rept. 1982, 85th Cong., 2d sess. (July 28, 1958). See also the military construction subcommittee *Hearings on S. 3756, S. 3863, and H.R. 13015, Military Construction Authorization, Fiscal Year 1959*.

[30] See his article, "Our Guided Missile Crisis," *Look*, Vol. 20 (May 15, 1956), pp. 46–52. Gardner had been special assistant for research and development to the Secretary of the Air Force.

[31] *Department of Defense Appropriations Bill, 1958*, H. Rept. 471, 85th Cong., 1st sess., pp. 19–20.

In this setting, Senator Ralph Flanders, Vermont Republican and then a member of Armed Services, interrupted his questioning of Secretary McElroy in the reorganization hearings to voice his opinion that the Committee was "not informed," and its judgment was "not asked . . . on overall defense plans. . . ." At the time he became a member of the Committee, he continued, he was "surprised" to discover that most military authorization was of a "perpetual" nature, that "we had no contact with it," despite the fact that the "authorization process exists almost completely, I think, through all the rest of the area of Government operations." The Senator then observed:

> My only means of getting any concept of what an overall program is, is due to the fact that you [Chairman Russell] have kindly assigned me as an ex officio member of the Appropriations Committee.
>
> Can they take little bits and pieces of the appropriations, glue them together with some imagination, and arrive at an overall defense program?
>
> . . . I think it [an overall program] ought to be presented to us for our authorization and so that is the main suggestion with regard to this [reorganization] undertaking which I have to make.[33]

Senator Russell took this criticism under careful consideration, once the reorganization bill was disposed of, and directed the committee staff to make a study of the problem.

The staff recognized, of course, the total impracticability of any complete, periodic authorization of the military budget. It was immediately impressed, however, by the convergence of basic policy and strategy and certain major weapons programs. Recalling also the air defense experience to that date, it concluded that the focus should be upon weapons, and as initially drafted and approved by the Committee early in 1959 the amendment stipulated that annual authorization be required for the "design, development, and procurement" of aircraft and missiles. In this form the proviso was attached to the Military Construction Authorization Bill—for reasons both logical and expedient—when it was reported by the Committee on May 19. The report commented but briefly upon this proposed change, soon designated as the "Russell amendment," and seemed to be at pains, in fact, to say as little about it as possible. It did note that the fiscal 1960 budget contained over $9 billion in proposed appropriations for aircraft and missiles, that in addition to the large expenditures for procurement *per se* these generated "requirements for expenditures in other major budget categories, such as personnel, construction, and operations and maintenance"; and that the authorizations on which these appropriations were based were noteworthy for a "lack of specificity." Therefore:

> The committee has concluded that in the discharge of its legislative responsibilities an annual review of the aircraft and missile procurement programs is needed. A thorough examination of this area of activity may serve to reduce the enormous cost of defense and should assist the Committee on Appropriations in their consideration of the mammoth defense budget.[34]

Immediately the Department of Defense voiced its strong disapproval of such a change. At this juncture, however, the debate on the authorizing amendment became intertwined with another but related action of the Committee, one which precipitated another explosion in the long-standing dispute over air defense involving the Army, the Air Force, the Defense Department, and the Armed Services Committee. The military construction subcommittee deleted over 75 per cent of the Army requests for Nike-Hercules surface-to-air missile installations, and repealed previous authorizations of fifty Nike batteries in the continental United States and eight in Hawaii. The subcommittee asserted that the Nike system was "virtually obsolete," that further expenditure was unwarranted, that the Army was investing too great a proportion of its resources in purely defensive systems, and that greater emphasis should be placed upon "area" defensive systems.[35] It demanded that the Secretary of Defense come forward with a "master plan" for air defense, which would eliminate unnecessary duplications in weapons and facilities, before the adjournment of Congress.

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[32] *Ibid.*, pp. 7–8. This point came up repeatedly, not only in the reorganization hearings but also in the special investigations launched after Sputnik. See Senate Armed Services Subcommittee, *Hearings, Inquiry into Satellite and Missile Programs* (85th Cong., 1st and 2d sess., 1957–58); and House, Committee on Armed Services, *Hearings, Investigations of National Defense Missiles . . .* (85th Cong., 2d sess., 1958).

[33] *Hearings, DOD Reorganization Act of 1958*, pp. 31–32.

[34] *Military Construction Authorization . . . , Fiscal Year 1960*, S. Rept. 296, 86th Cong., 1st sess., pp. 15–16.

The immediate circumstance prompting the Armed Services Committee to take this extreme action, virtually a veto of a weapons program and an ultimatum to the Defense Department, was in remarks made by the Secretary of Defense. Perhaps inadvertently, the Secretary in effect invited drastic Senate action. Appearing before the Senate defense appropriations subcommittee on May 4, he remarked that air defense had been a problem "which has been, I suppose, more difficult than any I have touched—to resolve in a way that is at all satisfying." This led to an unusual colloquy:

> Senator STENNIS. . . . I am beginning to think that the Department of Defense would welcome a congressional decision on this matter and then you could move on into a more positive program.
>
> Secretary MCELROY. You have certainly touched us in a place that I would call vulnerable.
>
> Senator STENNIS. I do not want to embarrass you.
>
> Secretary MCELROY. You are not embarrassing us. This is one area where we have not done very well in making a decision.
>
> As far as I am concerned, it would not bother me if you held our feet to the fire and forced us in connection with this budget.
>
> Senator STENNIS. I appreciate your attitude tremendously, because I frankly think that is what has to be done, Mr. Secretary.
>
> Secretary MCELROY. I think it is time.[36]

The Defense Department was distressed by these remarks, while the Army was staggered by the resulting blow inflicted by the Committee on its Nike-Hercules program. Each began attempting to undo the damage. The Army resorted to issuing a memorandum to every member of Congress, which defended the Nike against the allegations made in the report and asked that the requested funds be restored and the Committee be overruled.[37] Before the week was out the confusion was compounded by steps taken in the House of Representatives. In reporting out the Department of Defense Appropriation Bill, the Appropriations Committee severely cut back funds for procurement of the Air Force surface-to-air missile system, the Bomarc. Mr. Mahon, chairman of the defense subcommittee, took note of the prolonged dispute over what most congressmen considered competing, not complementary weapons systems, and explained: "We proposed to help bring this controversy to a showdown through the utilization of the power of the purse."[38]

The Defense Department had no choice but to begin preparing at once a revised plan that reprogrammed both the Nike and Bomarc systems, insisting that both were needed.[39] Concurrently it urged the deletion of the authorizing amendment, Section 412, focusing its efforts on the House Armed Services Committee and its chairman. Mr. Vinson was variously reported as opposed, or, at best, lukewarm toward the Senate amendment. Three explanations were advanced: It was said that he feared such an action would violate the principle that "military men should make military decisions," a violation he allegedly believed already made in the Senate action on the Nike-Hercules.[40] Other observers felt that he might have inadvertently committed himself to the Pentagon in advance on the issue; still others believed that he was concerned that the additional work the amendment would demand might cause his then forty-three committee members to become bogged down in a morass of detail. Some significance might also be attached to the fact that the authorizing clause, at that point, did not include ships.

Pentagon chiefs were particularly worried about two issues raised by the Senate authorizing amendment. They feared that serious delay might result if an authorization process had to be gone through annually. Major complications might ensue from disagreements on programs within each of the Armed Services Committees, between these committees, and between Armed Services and Appropriations in one or both houses. In the Senate, where there was an overlapping membership, this was less likely,[41] but it was a cause of considerable concern with respect to the lower chamber. Not only delay, but something approaching chaos, could be the outcome. Evidently the Nike-Bomarc experience also led some Defense officials to fear that there could easily be repetitions of this kind of encounter. One service organ, echoing these apprehensions, argued that Congress should exercise "close surveillance" over defense matters and that there should be the "closest possible liaison" between Congress and the Pentagon. But it warned that "this surveillance must not be broadened to an extent where Congress can dictate the weapons of defense."[42] The military commentator of the *New York Times* agreed that this was the clear implication in recent actions of the Senate. "Military decisions," he wrote, "properly can be made only by the Pentagon and the President." Otherwise, there was real "danger" that Congress would "choose a weapon or a system on the basis of political and economic factors rather than on objective military and technical ones."[43]

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[35] *Ibid.*, pp. 13–14. The Nike was defined as a "point" defense weapon.

[36] *Hearings, Department of Defense Appropriations*, 1960, p. 33.

[37] The memorandum was reported in detail by Mark S. Watson, *Baltimore Sun*, May 23, 1959, p. 1.

[38] *Cong. Rec.*, Vol. 105 (86th Cong., 1st sess.), p. 8642.

[39] A revised bill, drawn on the basis of the "master plan," was reported to the Senate by the Stennis subcommittee on June 25 (S. Rept. 434, 86th Cong.).

[40] *Army Navy Air Force Journal*, May 23, 1959, pp. 1, 3.

Against these objections the Senate Armed Services Committee stood firm. It felt that it had ample basis for its belief that something other than "objective" military factors were already involved in many weapons decisions, pointing as an example to a series of newspaper advertisements sponsored by defense contractors in support of rival Army and Air Force missiles (the Hercules and Bomarc), and released just as Congress was deliberating on the subject. It further pointed to numerous contradictions, expressed and implied, in statements released by the two military departments, and questioned whether only technical considerations were weighed in Pentagon deliberations. The Defense Department offered to submit procurement programs to the committees on an annual basis, with detailed explanations and support material; but to this Senators Russell, Stennis, and others countered that such an "information" procedure would place the burden of proof on Congress. If modifications were sought, if it were desired to effect any sort of change, legislation would have to be passed at the congressional initiative and it would be subject to a veto.

After prolonged conference consideration, the Senate and House came into agreement. Whatever his original view, Vinson now gave firm support to the revised amendment. Two reductions in scope, and one expansion, had been accepted by the Senate managers. First, it was agreed that specific mention of annual authorization would be deleted, so that more flexibility could be allowed if circumstances warranted it. The intent of annual action, however, was not dislodged. Second, the authorization of "design and development" was stricken out, and the requirement restricted to include only procurement of operational items. The Committee saw no feasible means of overseeing research. Finally, the amendment was altered to include "naval vessels" as well as aircraft and missiles—a move that no doubt quickened Vinson's interest. The provision was not to take effect until December 31, 1960. A trial run was to be made during 1960, with complete information to be submitted to the Committees on all ship, missile and aircraft procurement programs by January 31, 1960, including "cost," and the "number of each type and kind" to be procured, but this was for the Committees' study only and would not, in the first year, necessitate legislation.[44]

VII. THE 1961 PROCUREMENT AUTHORIZATION: PROCEDURES AND POLITICS

The full coming into effect of Section 412 thus coincided with the arrival of the Kennedy administration. The mechanics of procedure were worked out in the 1960 trial run, and the first legislation authorizing the procurement of ships, aircraft and missiles was submitted to the 87th Congress. It was a one-year authorization. No action was taken pending anticipated program revisions from the new President, and these were submitted in a special message late in March. On April 4 hearings began before the

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[41] In the 87th Congress, five members of Armed Services are also members of the defense subcommittee of Appropriations, and three members serve *ex officio* on the Appropriations subcommittee.

[42] *Army Navy Air Force Journal*, May 30, 1959, p. 12.

[43] Hanson W. Baldwin, *New York Times*, May 28, 1959, p. 13.

[44] 73 *Stat.* 322. In addition to the Senate reports already cited, see Vinson's defense and explanation of the amendment to the House, *Cong. Rec.*, Vol. 105 (86th Cong., 1st sess.), pp. 13476–77.

Senate Armed Services Committee on S. 1852, authorizing a procurement program of $11,974,800,000, as already noted, for fiscal 1962. The new obligational authority being sought in the revised Defense Appropriation Bill was $43,794,345,000.[45]

The circumstances surrounding this novel legislative proceeding were themselves unusual. A presidential transition had meant delay in final program determinations, so legislative action did not begin until relatively late in the session. More important, however, was the atmosphere of crisis which pervaded the deliberations—Laos, Cuba, the Geneva stalemate, and then Berlin. Indeed, little more than a month after the passage of S. 1852, the President made additional military requests on July 26 because of the Berlin threat, and a second weapons procurement authorization of $958,570,000 was immediately passed.[46]

In both a procedural and a political sense, the authorization process bore an impressive resemblance to the established pattern of military appropriations. Procedurally, this is first demonstrated in the framework of the legislation itself, and secondly, in the type of "compact" entered into by the Armed Services Committees and the Pentagon. As agreed during 1960, the Department's bill contained only eight categories: Army aircraft, Navy and Marine Corps aircraft, and Air Force aircraft; Army missiles, Navy missiles, Marine Corps missiles, and Air Force missiles; and Navy vessels. For each of these eight, a lump-sum authorization was provided. The military departments then supplied detailed back-up material as justification, and itemized, detailed information concerning numbers to be procured, operational characteristics, costs and schedules for each individual weapons system within all of the categories. The statute itself was confined to a listing of the broad eight categories and the total amounts under each, as has been the practice in the defense appropriations acts for many years. And, as in the case of appropriations, changes in the numbers and costs of a given weapon, or in the "mix" of various weapons in a category or in two or more categories, may be made by "reprogramming." That is, the committees are consulted, but no additional legislation is necessary for the changes to be made. Specifically, the Defense Department agreed to submit regular quarterly reprogramming reports to Armed Services along with such special interim reports as changes warranted.[47] Some in the House professed a desire to use a line-item procedure, and the House Committee report took pains to point out that the lump-sum method was instituted only on a "trial basis for one year."[48] One has difficulty, however, envisaging a line-item approach to this area.

The lump sums, it should be pointed out further, are not confined to the "hardware"—*i.e.*, to the missiles, etc., *per se*. "Below the line" items essential to the weapon itself are included. In the case of aircraft, for example, not only the aircraft and all airborne equipment, but the spare engines, initial spares, peculiar ground support equipment and training items are all included. Inclusion only of the "hardware" would have reduced the authorization almost in half, and would have created also major accounting and budgeting problems.[49]

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[45] Senate Committee on Armed Services, *Hearings on Military Procurement Authorization Fiscal Year 1962* (87th Cong., 1st sess.), pp. 26–27. The original Eisenhower request under 412 had been for $10,572,181,000.

[46] The supplemental procurement bill—S. 2311—passed the Senate on July 28 and the House on August 2, in both instances without dissent and after perfunctory debate. *Cong. Rec.* Vol. 107 (87th Cong., 1st sess.), daily ed., pp. 12905–12919, and 13312–13322.

[47] See especially the testimony of Major General R. F. Friedman, Director of the Budget and Comptroller, USAF, in Senate, *Procurement Hearings*, pp. 457ff.; and the discussion between Congressman Kilday and Secretary of the Air Force Zuckert:

"Mr. KILDAY. . . . Now under 412, we will have in our backup here, but not in the law, the individual planes, missiles and ships which are authorized.

"As I understand it, the Comptroller General has held that this is binding on the Department [in appropriations procedure], even though it is not in the law, but that with the concurrence of the committee you could transfer the funds to another purpose.

"So here you have so much money authorized for airplanes, but we have a detailed justification. Then you are going to put in a detailed justification for Appropriations, but you are going to get your money in a lump-sum. You are going to be required by law to abide by the commitments made to the committees. But by concurrence of the committees, you can transfer it to different types of airplanes, missiles and ships, or change the priorities to which you have committed yourself. . . .

"Secretary ZUCKERT. That is an excellent statement of my understanding."

See House Committee on Armed Services, *Hearings on H.R. 6151, Authorizing Appropriations for Aircraft, Missiles, and Naval Vessels for the Armed Forces* (87th Cong., 1st sess., Committee Paper No. 10), p. 1533.

[48] *Authorizing Appropriations for Aircraft, Missiles and Naval Vessels*. H. Rept. 380 (87th Cong., 1st sess.), p. 10.

Even more notable, however, was the extent to which the political quality of the authorization process adhered to the appropriations pattern. Although crisis restraints were increasingly operative (and fully so on the supplemental authorization bill), and a spirit of cooperativeness incidental to the launching of a new administration was evident, the hearings demonstrated, first, a search for dissent within the military as a basis of criticism, evaluation and revision. After the style of Secretaries of Defense in the appropriations hearings over recent years, Mr. McNamara commented in his comprehensive statement to the committees that the requests did "not provide everything that everyone would like to have."[50] Accordingly, a considerable part of the hearing revolved around congressional inquiries as to the nature of the items the military departments would have "liked," but which were denied by the office of the Secretary of Defense. The Navy was disappointed that its Eagle Missileer project had not been provided for.[51] The Army was displeased that it had again—after a strenuous campaign—failed to obtain authorization for funds to put into production certain components of its Nike-Zeus antiballistic missile. Senator Thurmond attempted to persuade the committee to add $169 million authorization in the Army missiles category for this purpose, but the committee accepted the Defense Department's ruling and defeated the amendment by a "decisive" vote.[52] Representative Gubser sought a $697.5 million addition to the bill to provide authorization for six more Polaris submarines. When the House committee, again accepting Defense Department recommendations, defeated this proposal by a vote of 3–25, Mr. Gubser carried it to the floor with the endorsement of the Republican Policy Committee. There the amendment was defeated 58–105.[53]

In one important respect only did the committees, and the two houses, reach a consensus at variance with the administration's program of major weapons procurement. The defense establishment did not include a request for authorization of further procurement of the B-52 or the B-58 bombers. The Secretary of Defense indicated that under existing plans B-52 production would end in August, 1962, and B-58 production in October, 1962. Pending further study of the role of the manned bomber, therefore, he saw no need for procurement authority during fiscal 1962. Further, in connection with the Department of Defense Appropriation Bill, the administration reduced the development funds for the B-70 by $138 million.[54]

The committees took strong issue with this evident downgrading of the manned bomber. During the hearings, according to the House committee report, a "perceptible hesitancy in placing sole reliance and dependence on the ICBM for now or the near future" appeared. It noted that the bomber concept was still under study and emphasized the untried nature of the ballistic missile:

> . . .Also—and this is a thought which to the knowledge of the committee has not been stressed in the past—who knows whether an intercontinental ballistic missile with a nuclear warhead will actually work? Each of the constituent elements has been tested, it is true. Each of them, however, has not been tested under circumstances which would be attendant upon the firing of the missile in anger.
>
> By this the committee means an intercontinental ballistic missile will carry its nuclear warhead to great heights, subjecting it to intense cold. It then will arch down and upon reentering the earth's atmosphere subject the nuclear warhead to intense heat. Who knows what will happen to the delicate mechanisms involved in the nuclear warhead as it is subjected to these two extremes of temperature?
>
> The scientists may say that all of these things are determinable by extrapolation. Perhaps this is so. To the committee, however, it seems that our only knowledge of the actual workability of an ICBM fired in anger is in textbooks and in laboratories. The committee is unwilling to place the

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[49] Senate, *Procurement Hearings*, p. 462.

[50] *Ibid.*, p. 3.

[51] See *Ibid.*, pp. 290–291.

[52] *Cong. Rec.*, Vol. 107 (87th Cong., 1st sess.), daily ed., p. 7412. The Army's drive for Nike-Zeus production was "kicked off" by the February issue of *Army* magazine, published by the Association for the United States Army. Speeches were made on the floor on behalf of the Zeus by Congressmen Daniel Flood, George P. Miller, and John McCormack; and by Senators Thurmond and Mundt. See *ibid.*, pp. 1580, 1727, 2022, 2439, 3560, 4425.

[53] *Ibid.*, p. 8321.

[54] House Committee on Armed Services, *Authorizing Appropriations for Aircraft, Missiles and Naval Vessels*, pp. 4, 6.

safety of this country in a purely academic attitude, and for this reason has added to the bill authorization for bombers.[55]

The committees not only sounded the trumpet against the academicians but also observed that (1) the bomber possesses a "utility and flexibility in application" not obtainable in missiles; (2) if a stable strategic deterrence were achieved the manned bomber would be able to respond to "other forms of warfare"; and (3) the availability of the Hound Dog air-to-ground missile and the development of the Skybolt enhanced the effectiveness of the manned bomber as a strategic weapon.[56]

The upshot of all this was, in the Senate, an amendment authorizing $525 million for B-52 procurement, and evidence of serious misgivings about the cuts made in the B-70 development. The House reduced and altered this, adding $393 million authorization for B-52 and B-58 procurement. The conferees agreed to restore the Senate figure—$525 million—and specified only that it was for "procurement of long-range manned aircraft for the Strategic Air Command."[57] The Appropriations Committees concurred in this judgment on the need for manned bombers, noting the aerial demonstrations during the year in Moscow. The appropriations bill accepted by the conferees in August thus added $515 million for purchase of B-52s or 5-58s, and also added $400 million over the administration requests for the B-70 program.[58]

Obviously, however, Congress can no more compel Defense Department utilization of what it has authorized than it can compel expenditure of funds which it has appropriated. Does the authorization process merely result in a situation identical with that of the appropriations process? Has Section 412 altered the realities of the decision-making process, or merely added a new procedural layer?

VIII. CONCLUSIONS

In three respects, Section 412 opens the way for an expansion of the role of Congressional leaders in defense policy-making. First, it strengthens the *access* of Congress to the processes of policy formulation. Strategy is an area of executive initiative and, in this basic sense, Congress' role must be usually and essentially a negative one—the role of critic, questioner, skeptic—though occasionally it can be a prodder. With major strategic doctrines underlying policy inherently focused in the procurement of major weapons systems, the procedure of annually authorizing these systems (and the intent to make this an annual process seems very firm) involves more Congressmen more immediately in the intellectual, technical and political processes from which policy and strategy emerge.

The authorization procedure lends itself to this function better because it possesses, in turn, the *utility of focus*. Defense appropriations must roam across an immense terrain of policy decisions, from the trivial to the momentous. The range of choices is too complex for busy legislators to be able to extract and analyze systematically the pertinent and the fundamental from the irrelevant and transitory. Moreover, important decisions not of a strategic nature become interlocked in the vast reaches of defense appropriations. A great deal of time was given in the debates on the Defense Appropriations Act for Fiscal 1960, for example, to the issue of federal subsidies to local educational resources in areas where large defense installations are located.[59] This is not an insignificant problem, and it falls into a category of constituency interests that demand legislative attention. But it is time-consuming and diverting from the central issues involved in national defense. Issues of this sort are always involved in the appropriations acts.

Such diversions are less likely to emerge in legislation wholly concerned with authorizing procurement of ships, aircraft and missiles. Strategic issues are not exhausted in the problems of weapons procurement, but S. 1852 clearly raised such questions as (1) the relative allocation of resources to preparations for limited and general war, (2) the relative utility of varying types of strategies of deterrence, (3) the mix of strategic weapons, and (4) the roles and missions of the services relative to these various policy objectives. Procurement hearings and debates may be sidetracked, but aside from the inevitable discussions about the mechanics of the novel procedure the 1961 record demonstrated an impressive degree of focus on the policy choices implicit in the legislation. Events dictated also a considerable concern in the hearings with intelligence programs and with the release of information on military programs, but these were questions deserving of legislative scrutiny and interest.

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[55] *Ibid.*, p. 3.

[56] Senate Committee on Armed Services, *Authorizing Appropriations for Aircraft, Missiles and Naval Vessels*, S. Rept. 253, 87th Cong., 1st sess., p. 4.

[57] *Cong. Rec.*, Vol. 107 (87th Cong., 1st sess.), daily ed., pp. 9314–9315. The Senate agreed to a House amendment for additional funds for new engines for the C-135 and a compromise was reached on the procurement of guided missile frigates by the Navy.

[58] *Ibid.*, pp. 14262–14265.

[59] *Ibid.*, pp. 13624–13633.

Finally, access and focus lead into one other important alteration in this executive-legislative dialogue. The authorization procedure creates an *expanded base of knowledge* in Congress for the critical analysis of defense issues. With decision-making in defense centralized around the budgetary process, the Committees on Appropriations—or, more specifically, the defense subcommittees—were in a peculiarly powerful position in setting the terms of debate and deliberation. Under Section 412, the subject-matter committees assume new importance. Chairman Vinson stated in the debates:

> . . . I am afraid . . . that members of the Appropriations Committees were the only ones in Congress who actually had very much knowledge of the tremendous programs and expenditures which the Congress was called upon to pass on each year.
>
> It is my hope that section 412 has called a halt to this situation. If it did nothing else, it brought 37 members of the House [*i.e.*, those on Armed Services] into the heretofore exclusive area of knowledge of these very large programs.[60]

The Appropriations Committees have understandably refrained from expressing enthusiastic support for Section 412 and its implications. Privately some of the members agreed with the Defense Department in 1959 that it was an unwise and unnecessary procedure. But 412 certainly does not displace Appropriations from an important position in debate.[61] It does add, however, to that reservoir of information and knowledge available in Congress which is the prerequisite of effective and intelligent debate. While this may represent Congressional "negativism," the role of serious debate is fundamental.[62]

The authorization requirement poses some hazards to a rational political process. It may create delay and more troublesome complications if disputes arise between the two houses and the Armed Services and Appropriations Committees. It invites additional pressure tactics from weapons contractors. It imposes added burdens on overworked civilian and military officers by requiring that they spend more time on the Hill giving duplicating testimony before different committees. If these become the real legacy of Section 412 in fact, and if the "preparedness" atmosphere continues, a strong President and Secretary of Defense can probably even dislodge the requirement, ultimately.

Nevertheless, the innovation embodied in Section 412 opens the door to the fulfillment of a vital need in the processes of defense policy-making in the United States: effective searching debate of strategic issues and choices. Confinement of legislative review of policy to the appropriations process has not met this need. The enactment of 412 is thus not only suggestive of the circumstances in which Congress is prone to intervene in strategic decisions. Properly utilized, it provides an improved basis upon which such intervention can be informed and effective.

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[60] *Ibid.*, p. 8218.

[61] On the preeminence of the appropriations committees, an interesting comment will be found in Douglas Cater, "The Lonely Men on Capital Hill," *The Reporter*, Vol. 21 (October 15, 1959), pp. 23–26.

[62] See the remarks of Henry Kissinger in *The Necessity for Choice: Prospects of American Foreign Policy* (New York, 1961), p. 3.

THE STABILITY OF COALITIONS ON ROLL CALLS IN THE HOUSE OF REPRESENTATIVES*

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In some recent discussions of roll calls in Congress a model of interacting blocs has often been adopted and to a considerable degree verified.[1] This model assumes the existence of several fairly cohesive blocs along with, perhaps, some unattached members. Furthermore, it is assumed that some of these blocs are fairly consistently opposed on roll calls, while others ally now with one side, now with the other. This model is attractive, not only because it accords with the usage of journalists, but also because it seems to provide a rational explanation of what sometimes appears to be the almost random confusion of Congressional voting behavior. As the evidence here presented suggests, however, this model is somewhat too neat and requires modification to account for shifting alliances over (often relatively short periods of) time. In a trial, reasoning from the assumptions of this model, we attempted to pick out those blocs and members who shifted from side to side. We were, however, unable to do so except in a few instances, largely, we believe, because the model as heretofore developed is static.

The technique by which we tried to pick out the marginal or shifting members was the calculation of an "empirical power index" for each Representative in the first session of the Eighty-Sixth Congress, using as an index a refined version of one suggested by Shapley and Shubik as the empirical analogue of their *a priori* power index.[2] Entirely aside from the question of whether or not "power index" is an appropriate name for this measure—indeed it almost certainly is not, for roll calls do not reveal all, or perhaps even much, of the power relationships in Congress[3]—still the index does measure something which, conceivably, may be important. Precisely, it is a computation (over a series of roll calls, where the roll calls are weighted according to their significance) of the average chance that each Representative had to be the pivotal or marginal voter on the winning side. Somewhat more crudely explained, it orders Representatives according to the number of times they were on the winning side, with some adjustment for the relative importance of the kinds of winning.

The potential value of such an index is that, if a member is consistently rated high, this fact indicates he is usually voting with the winners. In a legislature like the House of Commons where one bloc always wins, this reveals nothing we do not already know. But in a legislature like Congress, where everybody wins once in a while, a high index separates out members who are marginal with respect to basically opposed blocs. Had we been able to use the index in this way, we would not only have additionally verified the model, but also have created a tool of practical value for, *e.g.*, lobbyists who could use it to select those members most susceptible to conversion. We discovered, however, that high indices were not consistent over time, which indicates the need for some revision of the model. It suggests, furthermore, that the index might be used to detect, in practical circumstances, when major shifts of allegiance are occurring.

I. THE INDEX USED

Shapley and Shubik's *a priori* power index rests on the assumption that, for a member of a voting body, the most advantageous position is that of the marginal or last-added member of a minimal winning coalition, defined as a coalition which would be losing or

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* Much of the material in this essay was originally reported in the junior author's honors paper, "An Attempt to Predict Power in the House of Representatives" (Lawrence College Library, 1960, typewritten). We are indebted, for grants to defray the cost of computation, to The Social Science Research Council; the Lawrence College Fund for Research on Public Affairs (a gift of the Ford Foundation); and the Numerical Analysis Laboratory of the University of Wisconsin, where the computation was done. The senior author thanks the Center for Advanced Study in the Behavioral Sciences, where this essay was written.

[1] See, for example, David B. Truman, *The Congressional Party: A Case Study* (New York, 1959).

[2] L. S. Shapley and Martin Shubik, "A Method for Evaluating the Distribution of Power in a Committee System," this REVIEW, Vol. 48 (1954), pp. 787–792.

[3] Wilder Crane, "A Caveat on Roll Call Studies of Party Voting," *Midwest Journal of Political Science*, Vol. 4 (1960), pp. 237–249.

blocking if one member were subtracted. This seems intuitively persuasive and explains our attempt to use an empirical index based to some degree on the same assumption.[4]

In order to estimate a member's chance to occupy the pivotal position, Shapley and Shubik constructed the following model. For a body of n members, in which there exists a group large enough and willing to pass a motion, let the members vote randomly and declare the motion passed when the mth member has voted for it, where m "yes" votes are required for passage. Define as the *pivot* the member in the mth position and note that there are $n!$ (read "n factorial," that is $1 \cdot 2 \cdot \ldots \cdot n$) such random orderings of n voters (that is, the permutations of $a, b, \cdots, n$). Then define the power, p, of a member, i, thus: $p_i = t_i/n!$, where t_i is the number of times i is pivot. It is difficult to say just what ought to be regarded as the empirical analogue of this ratio because one almost never knows who is in the pivotal position on a real vote. But Shapley and Shubik have suggested the following as one possibility: When there are d members on the winning side $p_i = 1/d$, if i is on the winning side, and $p_i = 0$, if i is not. This measure can, by appropriate processes of summation, be extended to cover a series of roll calls. Furthermore, it readily admits of interpretation as the chance that a particular member was pivotal. But, as its originators pointed out, it has the disadvantage of failing to distinguish among roll calls of varying significance. In order to adjust for this feature, we corrected the empirical index with a coefficient of significance of roll calls in voting bodies. This coefficient, s, where $0 \leqq s \leqq 1$, is based on the assumption that the most significant outcome possible on a vote occurs when (a) all members vote and (b) the margin between winners and losers is at minimum; and that the least significant outcome is one in which (a) a bare quorum votes and (b) the outcome is unanimous. The coefficient, s, is constructed by appropriately combining these standards into a measure that gives a unique value for each possible outcome of voting, and then normalizing these values into the interval between zero and one.[5] Using s, the empirical power index is corrected to the following:

$$P_i = \sum_{\lambda \in M} \left[\frac{1}{d_\lambda} \cdot \frac{s_\lambda}{\sum_{\mu=1}^{\nu} (s_\mu)} \right]$$

where "ν" denotes a series of roll calls, "P_i" denotes the power index for i over the series of ν roll calls, "λ" and "μ" denote particular roll calls, and "M" denotes the set of all roll calls in which i is on the winning side. Then,

$$\sum_{i=1}^{n} (P_i) = 1.$$

We should note in passing that the correction with s considerably complicates the calculations, in some cases perhaps needlessly so. It is our subjective and unverified impression that, if ν is a large number, say 100, the corrections tend to cancel out. If, however, ν is a small number, say 5, the corrected index may be quite different from an uncorrected one.

II. PROCEDURE

This study used all the roll calls in the House of Representatives during the first session of the Eighty-sixth Congress, a session chosen entirely on the practical grounds that we were reasonably familiar with the issues and political tone of the Congress. For each of the 87 roll calls, it was recorded that a member (a) voted on the winning side, (b) voted on the losing side, (c) did not vote, although eligible to do so, or (d) did not vote because ineligible. Members who had specific pairs were recorded as voting; members who had general pairs were not.

The 87 roll calls were divided into various kinds of subsets:

(1) Twelve subsets were based on a classification of subject matter. Although every one of the 87 roll calls was assigned to at least one of these twelve subsets, the subsets were not disjoint. For example, all the roll calls classified under "foreign military aid" were also classified under "foreign aid." Again, some of the roll calls classified under "prestige of Mr.

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[4] It is difficult to make a precise empirical observation that will strengthen one's confidence in the appropriateness of this assumption. See William H. Riker, "A Test of the Adequacy of the Power Index," *Behavioral Science*, Vol. 4 (1959), pp. 120–131, where it is shown that it is not clear whether or not the "power" of the index corresponds to the participants' notion of what "power" is. For a related investigation of a related definition see Duncan MacRae, Jr., and Hugh D. Price, "Scale Positions and 'Power' in the Senate," *Behavioral Science*, Vol. 4 (1959), pp. 212–18.

[5] The technique of calculation of s and some *a priori* arguments justifying its use as a measure are set forth in William H. Riker, "A Method for Determining the Significance of Roll Calls in Voting Bodies" in John C. Wahlke and Heinz Eulau, eds., *Legislative Behavior* (Glencoe, 1959), pp. 377–383.

Ezra Benson" were also classified under "agriculture." The substantive content of these subsets is fairly clearly indicated by their titles as given in Table I, except perhaps for "development projects," by which we mean such subjects as grants for airports, sewage disposal, etc.

(2) Five subsets were based on a classification according to procedural or political considerations which, prior to the calculation, we thought might turn out to be important. Again, these were not disjoint sets. Furthermore, not all roll calls were assigned to them. One was a set of those roll calls classified by the *Congressional Quarterly* as expressive of a Republican-Southern Democratic coalition.[6] Others were roll calls with high party cohesion in both parties (using Lowell's standard of 90 per cent of the party on one side, rather than Rice's index), roll calls requiring a two-thirds majority for passage, roll calls on overriding Presidential vetoes, and roll calls on amendments and motions to recommit.

(3) Finally, the eighteenth subset was the identity subset of all 87 roll calls, that is, the subset which is the set itself.

One major consideration in the construction of these sets was that each should contain at least three and preferably eight or ten roll calls. With small numbers of roll calls, most of the members are likely to have one of four or five indices so that there is very little differentiation. Naturally, this requirement biassed the result, as did also our *a priori* selection of classifications. If this calculation were to be replicated, we believe that a considerably larger number of subsets would be desirable. In particular, it occurs to us that calculations involving subsets of scalable roll calls would be especially interesting.[7]

Each of the 18 subsets was then divided in half chronologically and P_i was calculated for the 36 resulting subsets as well as for the original 18, making 54 sets of power indices altogether.[8] Finally, for each of the 18 subsets, coefficients of correlation, r, were calculated between the P_i of the first and the second chronological halves of the roll calls in the subset.

III. RESULTS

While the *a priori* power index is about .002288 for each member of the House, the empirical index on all 87 roll calls (subset 18) varied from zero to .003283.[9] The medians for groups often thought to be relevant to coalition-making in the House were:[10]

All Democrats	.002582
All Republicans	.001810
Southern Democrats	.002554
Northern Democrats	.002553
Border Democrats	.002746

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[6] *Congressional Quarterly Weekly Report*, Vol. 17 (#49, 4 December 1959), p. 1519 ff.

[7] See Duncan MacRae, Jr., *Dimensions of Congressional Voting* (Berkeley, University of California Press, 1958). Since we were attempting to predict rather than interpret, we constructed no Guttman-type scales, which are more useful for post-hoc interpretation than for day-to-day prediction. An effort to use our index for interpretation, however, might be especially informative if scalability and consistency of indices over time were found to be associated.

[8] This calculation was done on an IBM 650 at the Numerical Analysis Laboratory of the University of Wisconsin. The work was programmed by Mr. Stephen Robinson under the direction of Mr. George Struble. We are indebted to both of them for a clever program and the sharpening of the interpretation of the index. In addition to the power index, two closely related indices were calculated. One was an *eligibility index*, that is, the P_i for each member for that part of each set of roll calls in which the member was eligible to vote. The other was a *voting index*, that is, the P_i for each member for that part of each set of roll calls on which the member actually voted. These latter indices varied only slightly from the empirical power index for most members. They did help to distinguish, however, between members whose power index was low because they genuinely occupied a disadvantageous position and those whose index was low because of adventitious circumstances. In general, only the empirical power index is used in the subsequent interpretation.

[9] An index of zero was only obtained by those who never voted, such as Speaker Rayburn. (Part of the difficulty with the name of the index is underscored by this curious result: that the man often considered the most powerful had an "empirical *power* index" of zero.) The lowest index for a member who participated fully and who also had the lowest voting index was .001022.

[10] Throughout this essay "Southern Democrat" (or "SD") means Democrats from the 11 states of the old confederacy; "Border Democrat" (or "BD") means Democrats from Delaware, Maryland, West Virginia, Kentucky, Missouri, and Oklahoma; while "Northern Democrat" (or "ND") means Democrats from all the remaining states.

TABLE I. COEFFICIENTS OF CORRELATION BETWEEN EMPIRICAL POWER INDICES OF MEMBERS ON ROLL CALLS, BY SUBSETS DIVIDED CHRONOLOGICALLY, HOUSE OF REPRESENTATIVES, 86TH CONG., 1ST SESS.

Subset	Description	No. of Roll Calls		Coefficient of Correlation
		First Half	Second Half	
1	Interest rate and monetary policy	3	3	.537
2	Defense	6	6	.240
3	Foreign military aid	3	2	.829
4	Foreign aid	4	4	.826
5	Agriculture	6	6	.572
6	Prestige of Mr. Ezra Benson	2	2	−.534
7	Development projects	12	12	.815
8	Public Works projects	4	4	.084
9	Public housing	3	3	.627
10	Public housing and labor reform	5	5	.078
11	Labor reform and civil liberties	4	4	.452
12	States rights	3	2	.004
13	Republican-Southern Democratic coalition	6	5	.843
14	High party cohesion in both parties	2	2	−.754
15	Roll Calls needing 2/3 Majority	6	5	.411
16	Overriding vetoes	2	1	.761
17	Amendments and motions to recommit	14	13	.361
18	All roll calls	44	43	.484

The main results are set forth in Table I. In two instances the value for r is negative, when, with only four roll calls involved, one set of blocs won on the first two and the other set on the second two. Since the generally low values of r might be the result of the variations among members with medium or low indices, we also tried to predict members with "high" indices in both the halves on several selected sets (where "high" means all those indices that stood above an obvious break in the scale). But in most subsets the number of members with "high" indices is too large to be useful. Some of these results are set forth in Table II. It will be observed that, except in the case of subset 11 (Labor Reform and Civil Liberties) this second attempt at prediction adds almost no information to what Table I shows.

IV. INTERPRETATION

For the set of all roll calls the coefficient of correlation between the P_i of the first chrono-

TABLE II. FREQUENCY OF HIGH EMPIRICAL POWER INDICES ON SELECTED ROLL CALL SUBSETS, DIVIDED CHRONOLOGICALLY, HOUSE OF REPRESENTATIVES, 86TH CONG., 1ST SESS.

Subset	Description	No. with High Indices			$c \div a$
		First Half (a)	Second Half (b)	Both Halves (c)	(d)
1	Interest rate and monetary policy	175	172	110	.63
3	Foreign military aid	216	210	165	.76
8	Public works projects	18	18	3	.17
11	Labor reform and civil liberties	264	264	216	.82
13	Republican-Southern Democratic coalition*	168	159	114	.68
13	Republican-Southern Democratic coalition*	18	145	9	.50
18	All roll calls	44	44	13	.30

* For subset 13, two standards of "high" have been used.

logical half and the P_i of the second chronological half is $r=+.484$ which suggests that one might expect to be right on a prediction about once in four times. While this is considerably higher than pure chance, it is not high enough to warrant staking a heavy wager on it. While other correlations in Table I are considerably closer, there is a technical explanation for some of these high values for r and this explanation somewhat vitiates the usefulness of the empirical index. Thus the set for which r is highest is set 13, involving roll calls expressive of the Republican-Southern Democratic coalition as selected by the editors of *Congressional Quarterly*. Since these roll calls were selected precisely because they betokened a visible and enduring and cohesive coalition, naturally the power indices in the first and second halves are roughly identical. In short, these roll calls are known beforehand to satisfy the conditions under which in the introduction of this essay we inferred that prediction would be possible. The discovery that it is possible in these cases is, therefore, not surprising. Indeed, the only odd feature of this rather high value for r is that it is not somewhat higher. Even in what skilled journalist observers regarded as a very tight pair of coalitions there is apparently considerable fluidity if one can predict only about 70 per cent of the indices accurately. Two other high values for r are also explained by the same technical fact that the subsets were defined in terms of known and cohesive blocs (*i.e.*, subset 14, involving roll calls with high party cohesion, and subset 16, involving roll calls on overriding Presidential vetoes).

Nevertheless, apart from these special cases, there remain two subsets constructed around substantive issues (subset 4 on foreign aid and subset 7 on development projects) for which the values of r are fairly high. (We ignore the high value for set 3, since all the roll calls in this set are also in set 4.) For these two subjects in this session of Congress, we have in effect discovered that the model of consistently opposed blocs with unattached members supplying the margin of victory is reasonably accurate. In the Congress that MacRae studied, votes on foreign aid issues were reasonably scalable on a uni-dimensional scale and we assume that these are also. The interesting additional information is about development projects, which were at the heart of the disagreement between parties in this session. Regardless of whether or not a uni-dimensional scale exists on this subject, it is apparent that some sort of consistent structure of blocs exists. In these two areas, at least, it may be said that the attempt at prediction was somewhat successful. Unfortunately, however, these issues involved only 16 of the 43 roll calls on which we tried to predict. So in the larger sense the attempt at prediction was unsuccessful.

The interesting question is, therefore, why the values for r were so generally low for subsets 1–2, 5–6, and 8–12. We offer two mutually reinforcing explanations.

The first is that the character of the issues, and indeed the whole tone of Congress, changed during the session. For all the subsets on substantive issues (numbers 1–12) the roll calls are drawn almost equally from the two halves of set 18 and indeed from the first and second temporal halves of the session. This is to say that, for each substantive issue, roll calls were scattered about equally through the time of the session. But for set 13 (Republican-Southern Democratic coalition) only 3 out of 11 roll calls are drawn from the first half of set 18 and one of these three is the 44th, the last roll call in the first half of the set. This fact fairly clearly indicates that the so-called coalition played a much greater role in the second half of the session than in the first. Systematic evidence to this effect is set forth in Table III. As the table indicates, slightly over half of the highest 44 indices in the first half of the session belonged to Northern Democrats; while in the second half of the session exactly half the high indices belonged to Southern Democrats. Apparently, in the first half of the session, Northern Democrats were more likely to have pivoted, and in the second half, Southerners. Clearly, the balance of power shifted as the session proceeded. We have no inside information to explain why this occurred (and would probably mistrust it if we did). Perhaps, as some (Republican-oriented) journals of opinion suggested, it was owing to the ingenuity of the

TABLE III. DISTRIBUTION OF MEMBERS WITH POWER INDICES AMONG THE HIGHEST 10 PER CENT, BY BLOCS

	ND	BD	SD	R
First half (roll calls 1–44)	23	9	12	0
Second half (roll calls 45–87)	8	8	22	6
All roll calls	11	10	23	0
Idealized Distribution*				
1. Assuming only Democrats may have high indices	24	5	15	0
2. Assuming all members may have high indices	15	4	10	15

* Assuming each bloc is represented in the highest 10 per cent in proportion to its strength in the House.

minority leader, Mr. Halleck. Just as reasonably, it may be attributed to the reluctance of the majority leader, Mr. McCormack, to bring up issues he knew would split his party before the issues on which they were better agreed were disposed of. Regardless of the causal explanation, the fact of a shift in tone during the session is undeniable. And this fact can in turn explain much of our failure in prediction. If the kind of winning coalitions changed somewhat, if the best chance of pivoting was transferred from Northern to Southern Democrats—if, in short, the persons in the marginal positions changed—then, of course, the index of marginality for the first half would not accurately predict marginality in the second half.[11]

A second explanation for the low values of r on 9 of the 12 subsets is that the blocs themselves are considerably less cohesive than popular opinion would have them be. We often fallaciously reify blocs and, having named them, we then suppose that their members *always* behave as if they were bloc members. To a very considerable extent, indeed, they do; but sometimes they do not and it is this fact that so often distorts our discussion of events in Congress.

For example, the assertion that Southern Democrats combine with Republicans to defeat Northern Democrats is of course often true—except when it is not. In this session it was mostly true of 11 out of 87 roll calls. But it cannot always be true, else we would not have the astonishing result that the median empirical power index for Northern and Southern Democrats was for the whole session almost exactly the same. Instead, in terms of medians, it was the Border Democrats who showed up as strongest—a result which, on reflection, seems wholly acceptable intuitively. In Figure 1, the distribution of power indices among several factions is set forth. The distribution for Southern Democrats is actually trimodal, which suggests that there is not one Southern Democracy but three (or more), each of which has a different relationship with the rest of the party. Similarly, Border Democrats display a bimodal distribution which suggests that they too are far from homogeneous. If a simple modal distribution, such as appears for Republicans and Northern Democrats suggests a basic uni-dimensional continuum of attitudes, certainly the bimodal and trimodal distributions within commonly recognized factions hints at the existence of a multidimen-

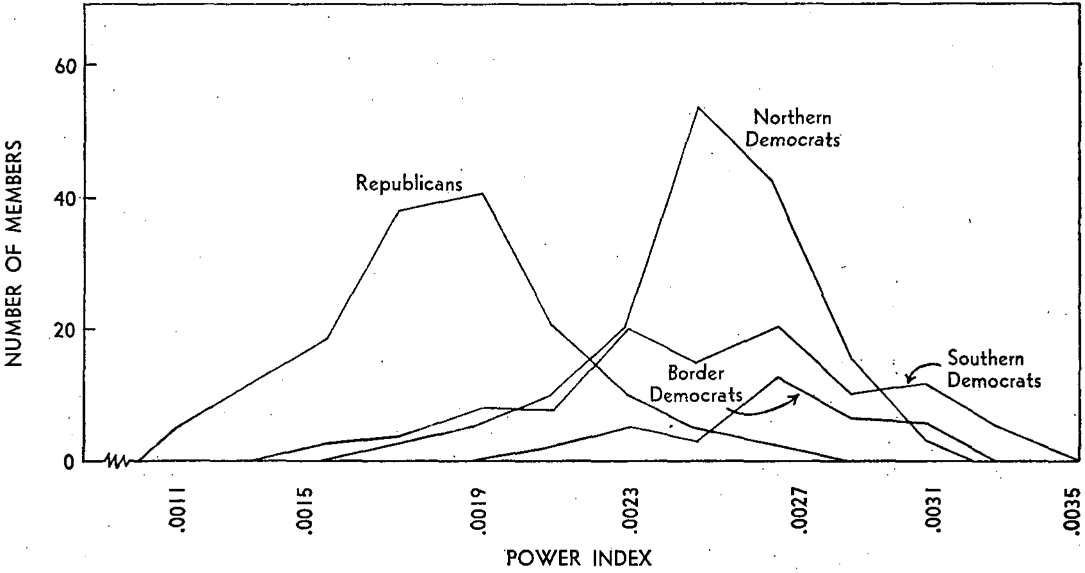

FIGURE 1. Distribution by faction of power indices for all 87 roll calls.

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[11] This reason for our failure to predict turns out to suggest an interesting and possibly valuable use of the empirical power index. Since it is temporally oriented and since (unlike other techniques of studying roll calls such as scalograms or bloc analysis) it is computed wholly by a machine once the roll calls are recorded and does not therefore require the judgment of a skilled observer in computation, it could be used to detect in week-by-week analysis just such changes in tone and coalitions as they occur.

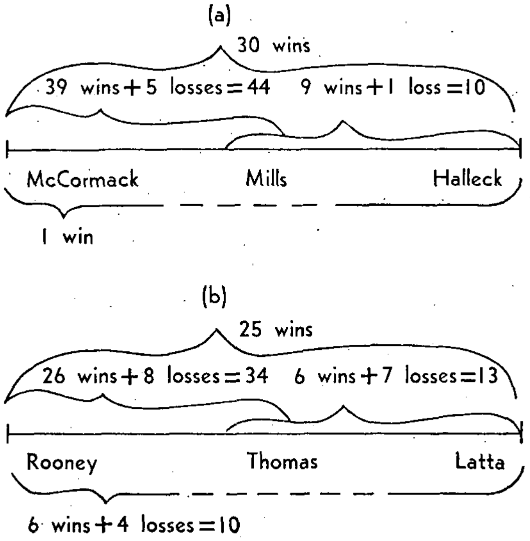

FIGURE 2. Diagram of coalitions of (a) leaders and (b) followers.

sional set of attitudes, which, of course, complicates prophecy.

We believe that the fallacy of reification occurs because journalists and scholars alike observe chiefly the behavior of leaders of blocs without also closely observing the behavior of all members. Of course, all techniques for dealing with roll-call results force the scholar to consider the rank and file; but this pressure is especially strong when one is faced, as we are, with expectations drawn from observation of leaders that turn out to be false when applied to followers. We find that the behavior of leaders of the three blocs, Northern Democratic, Southern Democratic, and Republican, was quite coherent and indeed almost scalable on a unidimensional scale. This is not true of rank-and-file members. In Figure 2 is shown the number of occasions—regardless of their relative significance—on which (a) leaders of blocs voted together and (b) rank-and-file members voted together. For this Figure we selected Messrs. McCormack and Halleck because they were the authoritatively selected leaders of their parties. Southern Democrats have no authoritatively selected leader, so we arbitrarily gave them one in the person of Wilbur Mills of Arkansas, the Southern Democrat with the second highest power index (.003280, as compared with .003283 for another Southerner, Lindley Beckworth of Texas) and one who was often believed to act for Speaker Rayburn. Messrs. Rooney (Dem. of Brooklyn, N.Y.), Thomas (Dem. of Houston, Texas) and Latta (Rep. of Bowling Green, Ohio) were selected because they had the median empirical power indices of their respective factions. In these diagrams the brackets indicate acting together on a vote and the numbers above each bracket record the number of occasions when each kind of coalition formed. The broken bracket and figures beneath the names indicate the number of occasions when members at both ends sided together against the one in the middle.

It is apparent from Figure 2 that, when all three did not agree, McCormack and Halleck hardly ever combined against Mills. Hence a rather neat continuum is shown, with Mills in the middle—and indeed he undoubtedly achieved his high index by the fact that whichever one he sided with won. When we turn from leaders to rank-and-file members, however, the picture is less clear. Although Thomas voted with Rooney much more frequently than he did with Latta and thus behaved somewhat like Mills, nevertheless, Rooney and Latta combined against Thomas much more frequently than McCormack and Halleck combined against Mills. All three rank-and-file members exhibit some deviation from the behavior of leaders. Both Rooney and Thomas showed considerably greater preference for alliance with Republicans than did their leaders. And conversely Latta found it easier to vote with both Southern and Northern Democrats than Halleck did. Clearly, the relationship in Figure 2 (b) is not scalable on a uni-dimensional scale and rank-and-file members do not follow their leaders as much as we might expect.

This fact accounts for much of our failure to predict. If all members of all blocs perceived all issues in the same (uni-dimensional) way, prediction would be easy. But in fact issues are not so perceived nor, as MacRae has demonstrated, and as Figure 2 also demonstrates, are they uni-dimensional. Hence attempts at prediction by essentially uni-dimensional devices, such as the empirical power index and all other measures known to us, are bound to fail.

These two explanations of the low values for r reinforce each other. To say that dominant coalitions change over time is to say that the perception of issues changes over time. Hence these two explanations are probably two aspects of one more complex explanation, which is that Congress is a dynamic system that can only with difficulty be analyzed by essentially static statistical techniques. Yet all evidence for the existence of relatively stable blocs is largely static in conception. Bloc analysis, for example, is carried through by counting pairs of ballots on a vote as if all the votes occurred simultaneously, when in fact they are cast over a period of many months. The same comment applies (with less force) to scalogram analysis wherein, necessarily, attitudes are scaled as if there were no time dimension. (When scalable issues are discovered, however, the scalogram proves that the attitudes persisted over time; no such proof is inferable from the results of bloc analysis.) Even the simple selection of roll calls that reveal a coalition (such as the *Congressional Quarterly* makes) is only crudely related to time. Out of all these static analyses we obtain some evidence of the existence of continuing factions, evidence which tends to confirm the hypotheses of the model. If we considered only the third line of Table III our calculations also would tend to confirm them, for Southern Democrats appear to be marginal far more frequently than their numbers warrant. But if we take into account the first and second lines, it quickly appears that this high degree of marginality occurred mostly in the second half of the session. Without the time dimension, therefore, our study would constitute merely some more not-very-conclusive evidence in support of the model. The time dimension, however, tends to cast some doubt on its validity.

V. CONCLUSION

The findings of this attempt to predict power indices may be summarized as follows:

1. A rather imprecisely defined set of blocs did exist in the first session of the Eighty-Sixth Congress.
2. On two kinds of issues (and for 32 out of 87 roll calls) a fairly high degree of consistency of power indices persisted through the session. For these issues the model was to some degree validated. These 32 roll calls involved (a) the main political issue of the session (*i.e.*, development projects) and (b) the main political issue of the decade (*i.e.*, foreign aid). Precisely what inference should be drawn from this fact we are not certain.
3. On the other sorts of issues, the model was not validated for it turned out to be impossible to predict members' voting behavior with accuracy. This failure does not mean that on these issues no underlying blocs existed. Rather it means that, if they did exist, their outlines were fuzzy.
4. The exact membership and relative strength and position of blocs changes over time. The crucial features of the change seem to be the content of issues and perhaps the skill and strategy of leaders.

The significance of these findings may be interpreted by a paradox (suggested to us by Professor Glendon Schubert): the wholly literary interpretations of Congressional behavior (in which class one might place Bailey's and Young's[12]) leave one with the impression of anarchy in Congress. No generalizations whatsoever, so one infers, can be made, for every decision is the product of some unforeseeable combination of strategy and counter-strategy. On the other hand, the interpretations based on statistical manipulation of a massive amount of data on voting (in which class one might place the aforementioned studies by Truman and MacRae) suggest that fairly coherent and cohesive blocs exist, so that generalization is possible. In resolution of the paradox, our evidence suggests that the truth of the matter lies somewhere in between the literary and statistical extremes.

In particular, our evidence suggests why this paradox of interpretation has occurred. Literary analyses are historical in orientation and hence *fully cognizant of temporal changes.* Statistical analyses, on the other hand, usually treat material gathered from different times as simultaneous. Undue concentration on temporal change of course results in an undue emphasis on the unique, while static analysis tends to ignore those unique events of which the results tend to cancel out in summary presentation. These considerations lead us to conclude that a really adequate model of Congress—or of any legislature—must be susceptible to verification by both static and dynamic techniques, and so must allow for both persistent tendencies and episodic variations.

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[12] Stephen Bailey, *Congress Makes a Law,* (New York, Columbia University Press, 1950) and Roland Young, *This is Congress,* (New York, 2d ed., 1946).

RELIGIOUS INFLUENCE ON WISCONSIN VOTING, 1928–1960

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The extent of religious influence on the closely contested presidential election of 1960 has been much debated. Many have claimed that the Wisconsin primary revealed a religious split which then became one of the main issues of the campaign. This paper reports the results of an analysis of religious influence on voting in that state for several elections since the campaign of 1928, when Alfred E. Smith was the first major-party presidential candidate of the Roman Catholic faith. The thesis which will be defended is that religious influences on voting in Wisconsin, although much reduced from 1928, were still considerable enough to have been critical in an election as close as that of 1960. Several independent types of evidence from voting returns will be presented to bolster this argument.

A relatively straightforward method of analysis is to correlate the percent of the two-party vote in various electoral units with available demographic statistics for the same units. A good example of this technique is Ogburn and Talbot's study of 173 counties in eight states in the 1928 presidential election.[1] Their analysis suggested that, of the six variables they investigated, the prohibition issue was most important, followed by the religious factor and then the factor of foreign birth. Contrary to the speculations of many commentators during 1960, they found the urban-rural split to be of quite minor importance.

Robinson has made a cogent criticism of this method of analysis.[2] He calls correlations calculated from percents of groups of people "ecological correlations," and correlations calculated directly from the characteristics of single persons in the groups "individual correlations." He shows that the fact that people with similar characteristics tend to cluster into groups brings about situations where ecological correlations exceed individual correlations. Thus he claims that ecological correlations based on geographically defined units give an exaggerated picture of the relations existing between demographic variables for the individuals within these units. He further shows that this inflating influence increases when the size of the groups increases.

Robinson's article stimulated Goodman to suggest an alternative way of dealing with ecological percents.[3] In Goodman's technique a regression line is developed such that (using the type of example which will be dealt with below), for each area, from the percent of Roman Catholics a prediction can be made of the percent in the area who will vote for Kennedy. This technique was adopted at the beginning of the present investigation. However, when the points were plotted comparing the percentage of Roman Catholic members in the total population of the 71 Wisconsin counties[4] with the returns for several relevant recent elections, it was apparent that a better fit to the data could be obtained by drawing parabolas instead of straight lines. Figures 1 and 2 show the scatter plots, respectively, for the presidential elections of 1928 and 1960. It will be noted that, although the percents for Smith and for Kennedy increase with an increase in Roman Catholic percent, the voting increase is not proportional, so that the regression lines bend slightly downward as they move to the right in both diagrams.

The relation of religious preference to voting was also studied for three other elections of this era: the School Bus Referendum of 1946, involving the question whether public school buses should carry parochial school pupils; the presidential election of 1956; and the presidential primary election of 1960. By a method described by Lewis[5] the defining statistical constants were calculated for the "best-fitting" parabola for each of the five elections. With X representing the percent Roman Catholic in each case, and Y representing, in turn, the percent (1) for Smith in 1928, (2) for the school bus referendum in 1946, (3) for Stevenson in 1956, (4) for Kennedy in the 1960 primary, and (5) for Kennedy in the 1960 final

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[1] William F. Ogburn and Nell Talbot, "A Measurement of the Factors in the Presidential Election of 1928," *Social Forces*, Vol. 8 (1929), pp. 175–183.

[2] W. S. Robinson, "Ecological Correlations and the Behavior of Individuals," *American Sociological Review*, Vol. 15 (1950), pp. 351–357.

[3] Leo A. Goodman, "Ecological Regressions and Behavior of Individuals," *American Sociological Review*, Vol. 18 (1953), pp. 663–664.

[4] *Churches and Church Membership in the United States*, Series C, Numbers 18 & 19, Bureau of Research and Survey, National Council of the Churches of Christ in the U.S.A. (1957).

[5] Don Lewis, *Quantitative Methods in Psychology* (New York, 1960), pp. 100–102.

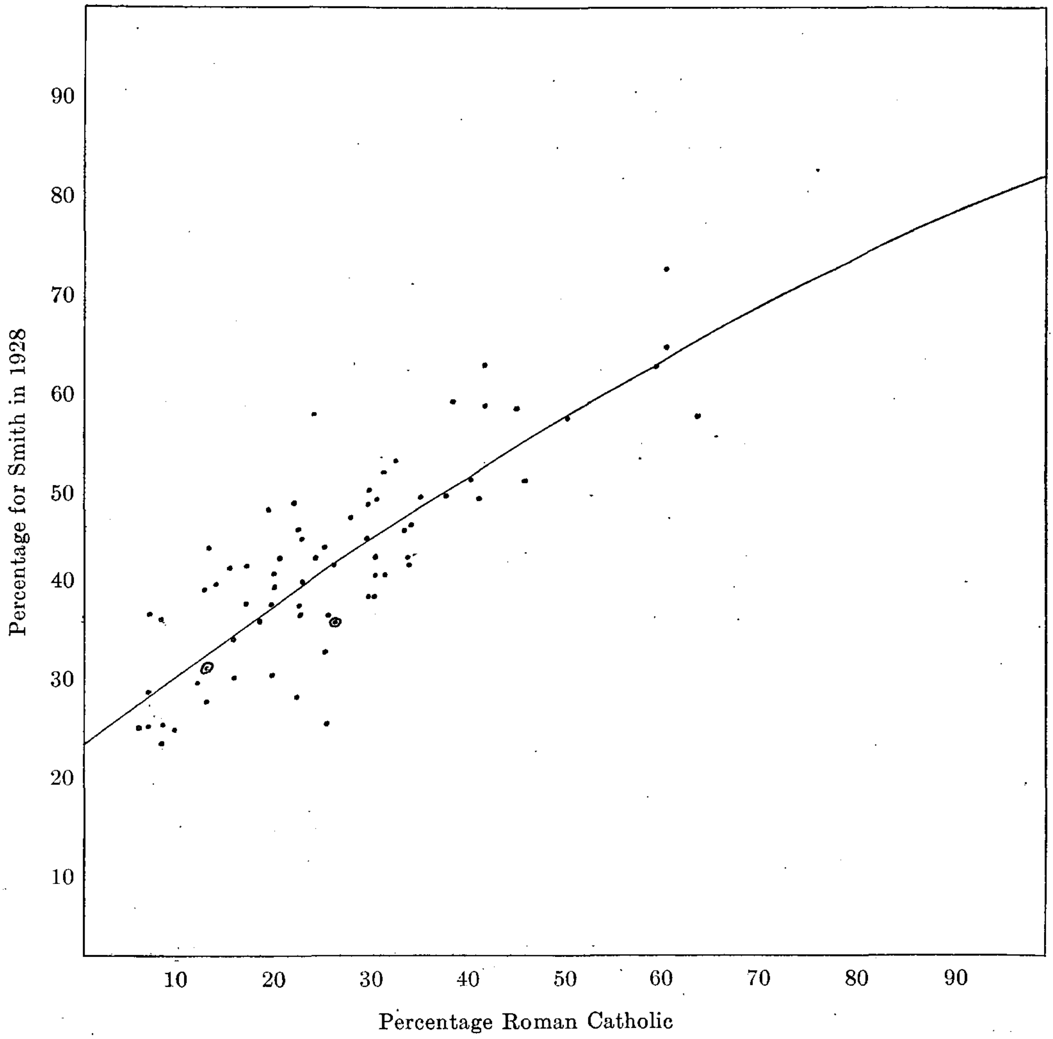

FIG. 1. Voting for Smith in Wisconsin counties in 1928 as a function of Roman Catholic concentration in the population.

election, the equations for the parabolas are:

$$Y_1=22.2+.788X-.00187X^2,$$
$$Y_2=15.7+1.128X-.00482X^2,$$
$$Y_3=38.0-.185X+.00254X^2,$$
$$Y_4=15.4+.876X-.00376X^2, \text{ and}$$
$$Y_5=35.9+.361X-.00103X^2.$$

This type of analysis gives a satisfactory descriptive picture of the religious influence in each election, but it is of further interest to attempt a ranking of the five elections in this respect by developing a single index. The solution adopted was to compare the predicted vote in each election for hypothetical counties which were 0 percent Roman Catholic with those which were 100 percent Roman Catholic. In the 1928 election, for example, substitution of 0 for X in the first equation above gives a Y value of 22.2 percent. Similarly, substitution of 100 for X gives a Y value of 82.3 percent (*i.e.*, 22.2+78.8−18.7). Subtracting 22.2 percent from 82.3 percent yields a difference attributable to religious influences of 60.1 percent in the 1928 presidential election. Use of this index produces the following rank ordering for religious influence: first, the 1946 school bus referendum with 64.6 percent; second, the 1928 presidential election with 60.1 percent; third, the 1960 presidential primary with 50.0 percent; fourth, the 1960 presidential election with 25.8 percent; and fifth and last, the 1956 presidential election with 6.9 percent.

The picture which these figures suggest is that the 1928 and 1946 elections showed con-

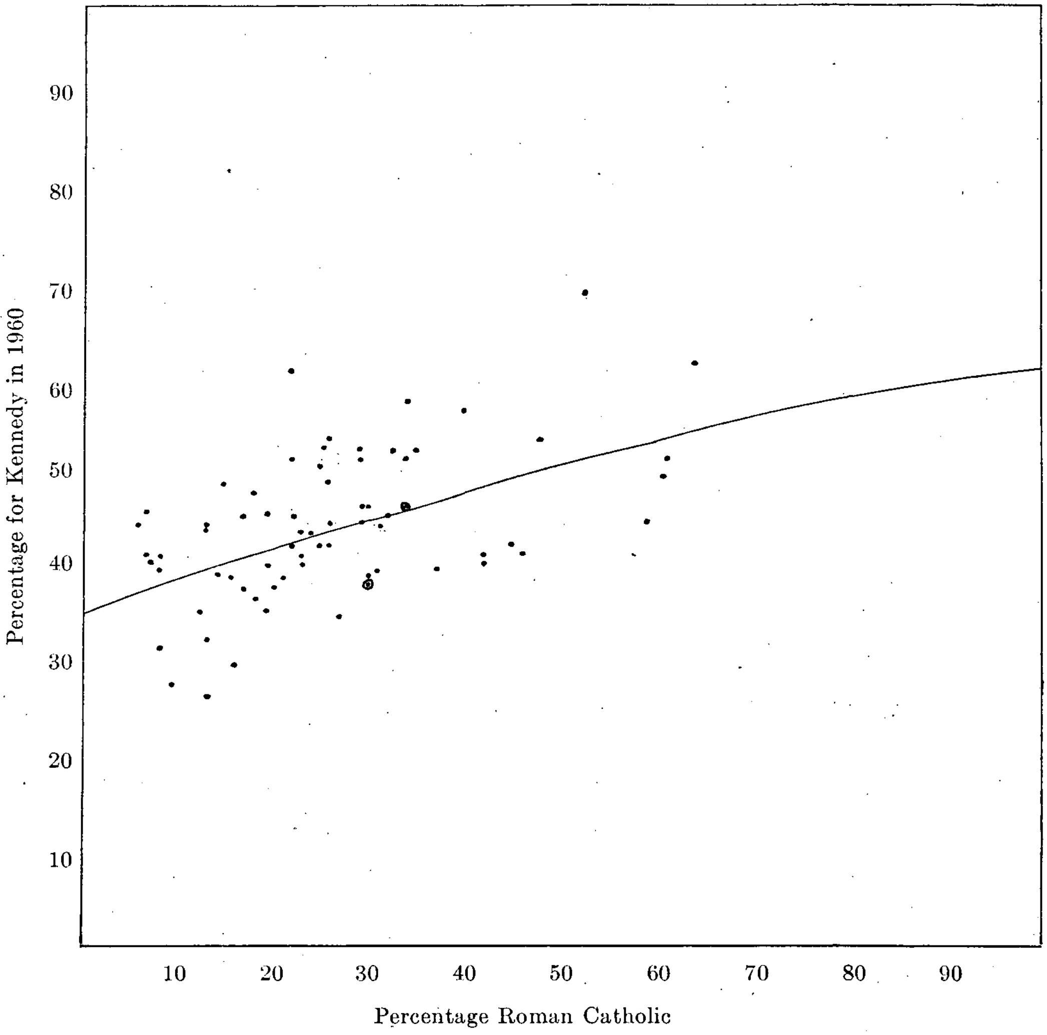

FIG. 2. Voting for Kennedy in Wisconsin counties in the 1960 final election as a function of Roman Catholic concentration in the population.

siderable religious influence on Wisconsin voting, the 1960 primary somewhat less, the 1960 final election much less, and the 1956 election practically none at all. However, it should be noted that in the 1960 primary there were two Democratic candidates, Kennedy and Humphrey, but only one Republican candidate, Nixon. This circumstance *may* have produced a greater turnout of Roman Catholic Democrats than of Roman Catholic Republicans in the primary. If so, the figure of 50.0 percent given above probably represents an exaggerated picture of the extent of religious influence in the 1960 primary. On the other hand, many Roman Catholic Republicans *may* have voted for Kennedy in that primary with little intention of voting for him in the final election, either because they wished to give a coreligionist a chance to be a presidential nominee or because they regarded Kennedy as "less radical" than Humphrey. Many observers have noted the Wisconsin voters' long tradition of "crossover voting" during the present century. In view of these competing interpretations about voting in the primary, it is perhaps safer to conclude that both 1960 elections showed a religious influence which was significantly less than that in 1928 and 1946 but still quite a bit greater than that in 1956.

The virtual lack of religious influence in the 1956 presidential election is corroborated by the survey evidence of Campbell, Converse, Miller, and Stokes.[6] After comparing the candidate preference of Roman Catholic voters

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[6] Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes, *The American Voter* (New York, 1960), p. 306.

TABLE I. VOTING IN THE WISCONSIN AREAS EXTREME IN THE 1946 SCHOOL BUS REFERENDUM

	1946 School Bus Referendum %	1928 Smith %	1956 Stevenson %	1960 Kennedy Primary %	1960 Kennedy Final %
State of Wisconsin	45	45	38	40	48
High School-Bus					
Towns	88	87	45	71	69
Villages	89	88	34	76	69
Low School-Bus					
Towns	7	20	46	10	40
Villages and Cities	7	19	29	15	29

with that of a "control group matched for a variety of conditions of life situation," they concluded that Roman Catholics were only 2.9 percent more Democratic in this election than the rest of the American voting population. However, the survey evidence from this and other studies suggests that Eisenhower was the *only* Republican presidential candidate in recent decades who could induce Roman Catholics of higher socio-economic status to "vote their pocketbook instead of their religion."

Although Goodman's method of analysis of ecological data seems to obviate many of Robinson's criticisms, it is likely that more valid relationships can be discovered when the ecological unit used is as small as possible, for the exaggeration of ecological correlations is most pronounced with large groups. Unfortunately, statistics on religious preference are not available for political units smaller than counties. Nevertheless, the analysis reported above suggests that the 1946 school bus referendum can be used as a rather valid indicator of the percent of Roman Catholics in the smaller political units. The returns filed in the Office of the Secretary of State in Madison, Wisconsin were searched, and the precincts at the two extremes with respect to vote for the school bus referendum were recorded. Eighteen villages[7] and 47 towns[8] voted more than 80 percent for the school bus issue, and below they are referred to by the phrase "high school-bus." Six small cities, 40 villages, and 79 towns voted less than 10 percent for the school bus issue, and below they are called "low school-bus."

Collectively, the high school-bus villages voted 89 percent for the issue, and the high school-bus towns, 88 percent; whereas the low school-bus cities and villages voted 7 percent for the issue, and the low school-bus towns the same. Henceforth, the voters of the small cities and villages will be called "villagers," and the voters of the towns will be called "farmers."

Table I shows the percent vote for the Democratic candidates in the other four elections under consideration. It can be seen at once that Smith did virtually as well in the high school-bus areas as the school-bus issue itself. However, he did not do quite as *poorly* in the low school-bus areas as the school-bus issue, a circumstance which may have resulted from the depressed economic condition of rural Wisconsin in 1928. All 61 of the high school-bus areas which existed as political units in 1928, without exception, voted for Smith. All but 4 of the 120 existing low school-bus areas voted for Hoover in 1928. Considering the fact that 18 years separated the two elections and the fact that one election concerned candidates for office and the other an issue, it is difficult to perceive any factor which might account for the remarkable correspondence of voting in these two elections other than the factor of religious preference. Therefore in the discussion below, the assumption will be made that the high school-bus areas are Roman Catholic areas and that the low school-bus areas are Protestant areas.

On the basis of this assumption, the results for the other three elections with respect to religious influence correspond perfectly with the results reported above based on county units; *i.e.*, the order remains: 1928, then 1960 primary, then 1960 final, and 1956 in last place. Furthermore it can be seen that the farmer *vs.* villager split was more important in 1956 than the religious split. Both Protestant and Roman Catholic farmers favored the Democratic ticket[9] more than their villager counterparts. This farmer-villager split persisted in the 1960 final election for the Protestant voters; however Kennedy seems to have appealed to the Roman Catholic villagers as much as he did to the Roman Catholic farmers.

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[7] Two other villages, Frederic in Polk County and Stockholm in Pepin County, were recorded as more than 80 percent in favor of the school bus issue. However, their vote in other recent elections was so consistently in contradiction to this vote that the author suspected these figures had been inadvertently reversed in reporting. In personal correspondence with the author, the Polk County Clerk suggested that the election inspectors may have committed such an error. These two villages accordingly were excluded both from the "high school-bus" group and the "low school-bus" group.

[8] In Wisconsin "towns" are highly rural areas which correspond to the townships of most other states.

In 1956 all 18 of the Roman Catholic villages voted for Eisenhower; in 1960 all 18, without exception, voted for Kennedy. The abruptness of the change can be seen by noting the vote in the most populous of these villages, Little Chute, which is in a heavily Dutch Catholic area. In 1956 Eisenhower beat Stevenson, 1167 to 521; in 1960 Kennedy beat Nixon, 1467 to 573. This represents a change of 41 percentage points, whereas in the state of Wisconsin as a whole there was a change of only 10 percentage points.

As already noted, interpretation of the 1960 primary is less straightforward because of the presence of three candidates in the race. However, it is significant that Humphrey, the other Democratic candidate, did quite well in the Protestant areas. He gained 66 percent of the vote of the Protestant farmers, 41 percent of the Protestant villagers, 16 percent of the Roman Catholic farmers, and 8 percent of the Roman Catholic villagers.

The conclusion which emerges from these figures and other sources of evidence is that the candidacy of Kennedy in 1960 caused the old fires of religious controversy to flare anew in midwestern rural America. In the case of the Roman Catholic farmers and villagers, the issue of foreign policy has served to lessen the hold of the Democratic Party, as Lubell has so well documented.[10]

The town of Marshfield in Fond du Lac County provides an excellent case history of voting in a heavily German Catholic area. In the majority of elections before 1916, Marshfield gave the Democratic presidential candidate more than 90 percent of its vote. However, the influence of World War I is shown by the dip of Wilson's vote in 1916 to 45 percent and by Cox's showing of only 4 percent in 1920. LaFollette, the Progressive candidate who had opposed the entry of the United States into World War I, gained 86 percent of Marshfield's vote in 1924. Then there was a temporary return to the Democratic fold; Smith obtained 98 percent in 1928, and Roosevelt won 97 percent in 1932. Roosevelt won again in 1936, but Lemke, who opposed the international involvement which Roosevelt eventually led this country into, won 20 percent of the three-candidate vote. Then in 1940 the Democratic Presidential vote slid down to 22 percent, and it stayed below 25 percent through 1956, except in 1948 when Truman won 34 percent of Marshfield's vote. In 1960 the two powerful forces, the religious appeal of the Democratic standard bearer and the association of the Democratic Party with war, produced an almost exact equilibrium; Nixon won 379 votes in Marshfield, and Kennedy 369. (On the other hand, the Republican candidate for Lieutenant-Governor won, 432 to 254.) Only three other of the 47 high school-bus towns voted for Nixon.

On the other side of the fence, the Scandinavian Lutheran areas of western Wisconsin, heavily Republican in the 19th century, have become considerably more Democratic since 1928. The presumed reason is the position of the Democratic Party on farm issues. Yet the old religious pull has not departed completely. It can be seen from Table I that Kennedy in 1960 did no better in the low school-bus villages and cities than Stevenson in 1956 and that he ran 6 percent *worse* than Stevenson in the low school-bus towns.

The final evidence of religious influence on Wisconsin voting to be cited here concerns voting in Milwaukee County in the 1960 presidential primary. The areas where Kennedy won more than 75 percent of the three-candidate vote were drawn on a county map. In all these areas, the U. S. Census statistics indicated that a high proportion of the inhabitants were of Polish descent and therefore, presumably, of the Roman Catholic faith. The areas where Humphrey gained more than 75 percent of the vote were all in the Negro district, and he seems to have won the vast majority of his Wisconsin vote from Negroes and Protestant farmers and villagers.

Considered collectively, the various lines of evidence discussed above lend rather strong support to the conclusion that religious preference still exerted a considerable influence on Wisconsin voting in 1960.

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[9] Newspaper reports during the campaign lead one to believe that Vice-Presidential candidate Kefauver attracted the Wisconsin farmers more than Presidential candidate Stevenson did.

[10] Samuel Lubell, *Revolt of the Moderates* (New York, 1956), pp. 64–74.

DEEDS WITHOUT DOCTRINES: CIVIL RIGHTS IN THE 1960 TERM OF THE SUPREME COURT[1]

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In 1898, Mr. Justice Brewer measurably strengthened his claim to immortality by publicly inviting criticism of the Supreme Court. His words are well-worn now, for generations of professors have gratefully quoted them in journal and classroom;[2] and during the 20th century the challenge he issued has evoked a response that may give his shade occasional second thoughts. The Supreme Court has had many problems in the years since he spoke, but a shortage of critics has not been one of them. Journalists, academicians, and politicians have, in their several ways, poured out a steady stream of reproach which from time to time has swelled into a torrent.

I

The most recent of these outbreaks was set going by the desegregation decisions of 1954 and 1955 and a spate of mildly libertarian pronouncements involving the "subversion issue," in 1956 and 1957. The protest movement and its results have been ably recounted and evaluated elsewhere.[3] For present purposes it is enough to note that a vengeful and foolish anti-court law almost passed Congress in the summer of 1958, that the Court in subsequent years has stood absolutely firm on the desegregation question, but that the controversial doctrines in the subversion field have been held to extremely narrow implications. In this latter area there is room for argument as to whether the Court has significantly backtracked; at any rate the broadly libertarian promises that might have been inferred from some of the language in such decisions as *Watkins*,[4] *Sweezy*,[5] *Slochower*[6] and *Konigsberg*[7] were surely not fulfilled. If the judges were tempted three years ago to launch an all-out onslaught against subversive activities laws, a majority of them have now rather convincingly mastered the impulse.

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[1] For a full review of the work of the term, including civil rights decisions, see "The Supreme Court: 1960 Term," *Harvard Law Review*, Vol. 75, pp. 40–244 (Nov., 1961); and Philip B. Kurland, ed., *1961 The Supreme Court Review* (Chicago, 1962).

Among the books on the Court published during this period were: P. C. Acheson, *The Supreme Court* (New York, 1961); C. J. Antieau, *Commentaries on the Constitution of the United States* (Buffalo, New York, 1960); W. O. Douglas, *A Living Bill of Rights* (New York, 1961); O. K. Fraenkel, *The Supreme Court and Civil Liberties: How the Court Has Protected the Bill of Rights* (New York, 1960); P. A. Freund, *The Supreme Court of the United States: Its Business, Purposes and Performance* (Cleveland, 1961); W. L. King, *Lincoln's Manager: David Davis* (Cambridge, 1960); M. R. Konvitz, *Bill of Rights Reader*, 2 ed. rev. and enl. (Ithaca, New York, 1960); P. B. Kurland, ed., *The Supreme Court Review* (Chicago, 1960); Alexander Meiklejohn, *Political Freedom: the Constitutional Powers of the People* (New York, 1960); Wallace Mendelson, *Justices Black and Frankfurter: Conflict in the Court* (Chicago, 1961); W. F. Murphy and C. H. Pritchett, *Courts, Judges, and Politics* (New York, 1961); A. M. Paul, *Conservative Crisis and the Rule of Law: Attitudes of Bar and Bench* (Ithaca, N. Y., 1960); J. W. Peltason, *Fifty-eight Lonely Men: Southern Federal Judges and School Desegregation* (New York, 1961); E. Barrett Prettyman, Jr., *Death and the Supreme Court* (New York, 1961); C. H. Pritchett, *Congress versus the Supreme Court 1957–1960* (Minneapolis, 1961); J. P. Roche, *Courts and Rights: the American Judiciary in Action* (New York, 1961); L. J. Salomon, ed., *The Supreme Court* (New York, 1961); G. A. Schubert, *Constitutional Politics* (New York, 1960); A. G. Taylor, *Labor and the Supreme Court*, 2 ed. (Ann Arbor, Michigan, 1961); Herbert Wechsler, *Principles, Politics, and Fundamental Law* (Cambridge, Mass., 1961); A. F. Westin, ed., *The Supreme Court: Views from Inside* (New York, 1961); T. Wilcox, *States Rights vs. the Supreme Court* (Boston, 1960).

[2] The most recent seems to be Schubert, *op. cit.*, p. 18.

[3] Pritchett, *op cit.*; Anthony Lewis, "The Supreme Court and its Critics," *Minnesota Law Review*, Vol. 45, pp. 305–332 (Jan., 1961); Freund, *op. cit.*, pp. 171–191.

[4] Watkins v. United States, 354 U. S. 178 (1957).

[5] Sweezy v. New Hampshire, 354 U. S. 234 (1957).

[6] Slochower v. Board of Education, 350 U. S. 551 (1956).

[7] Konigsberg v. State Bar, 353 U. S. 252 (1957).

This self-restraint, whatever else may be said about it, has helped to temper the critical climate. The segregationist critics are still fairly robust, but their northern support among the Smith and McCarran Acts crowd has attenuated a good deal, and they miss it. On the extreme Right the anti-Court cacophony goes on; David Lawrence has not quite given up. But the Congressional temperature chart has returned to normal, and the danger of punitive action has subsided.

One man's meat is notoriously another man's poison, however, and it is not strange that the Court's recent gestures of self-denial have displeased some while placating others. Liberals, or some of them, feel that the current majority is derelict when it refuses to shackle the power of legislative investigation, or strike down our national sedition laws. Most of the critics from this new quarter have been, to their credit, more level-headed than the Jenners and Butlers of yesteryear. Indeed some of the most extreme protests have been voiced by two members of the Court itself, Justices Black and Douglas; liberal commentary has in general been milder than they.[8] But there is enough disquiet in this camp to merit notice. The Court, which was yesterday being criticized for defending liberty too much, is today being chided for defending it too little.

So much, for the moment, about what have been called the "result-oriented"[9] critiques of the Court's performance. Meanwhile still another plaint has been heard, largely from the groves of academe. It is that the judges, results aside, have been fudging their obligations as craftsmen. The point seems to be that in one way or another the Court has failed to produce doctrines that rest on the "exercise of reason":[10] the rhetorical flourish or the *ipse dixit* is found where we ought to find explicit principles rationally justified and applied.[11] These strictures are not backed, as the vendetta of 1958 was, by the threat of political retribution. Nevertheless they claim the respect of the Court and those who study it, because their authors are defenders of judicial review who speak more in sorrow than in anger.

The aim of this paper is to review, in terms of these two criticisms, the 1960–61 record of the Supreme Court in the field of civil rights. What is the actual pattern of results here? Did the Court of the 1960 term do less than it ought to have done to buttress the liberties of the individual? And did it at the same time maintain the standards of legal craftsmanship that ought to be maintained by the supreme tribunal of a constitutional democracy? In short, to what extent are either the "result-oriented" or the "reason-oriented" critiques warranted? It happens that the 1960 term was unusually rich in significant pronouncements involving civil rights, and it should provide, therefore, a fairly adequate test of both indictments.

II

The decisions that excited the gravest misgivings among libertarians were those having to do with alleged subversion. One of them, so Mr. Justice Douglas said, signalized "a sharp break with traditional concepts of First Amendment rights."[12] Others caused Mr. Justice Black to fear that the Court had adopted a deliberate policy of sacrificing individual freedom to governmental control,[13] that the boundaries of the Bill of Rights have been "all but obliterated,"[14] that the liberties of America "must be fast disappearing"[15] and that, "if the present trend continues . . . [g]overnment by consent will disappear to be replaced by government by intimidation."[16] If these forebodings are plausible, the 1960 term does indeed mark "a fateful moment in the history of a free country."[17]

Wilkinson and *Braden* involved the old, intractable problem of legislative investigations, specifically some recent antics of the House Un-American Activities Committee. A subcommittee of that egregious agency had invaded Atlanta armed with a Committee resolution authorizing investigation of Communist infiltration into southern industry, Communist propaganda activity, and "any other matter within the jurisdiction of the Committee." Both Wilkinson and Braden had publicly criticized this proposed inquiry, and had then been brought before the subcommittee, queried about Party membership and duly indicted when they refused to answer. They justified their refusal mainly by a challenge to the pertinency of the questions, and by an appeal to the First Amendment and to the doctrine of "valid legislative purpose."

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[8] See: "Retreat from Freedom," *Christian Century*, Vol. 78, pp. 163–4 (Feb. 8, 1961); "Free Speech and Movies," *Commonweal*, Vol. 73, pp. 495–6 (Feb. 10, 1961); "The Court and the Committee," *ibid.*, pp. 624–5 (March 17, 1961); "Security and Civil Rights," *id.*, Vol. 74, pp. 316–17 (June 23, 1961); "Neither Clear Nor Present," *Nation*, Vol. 192, pp. 509–10 (June 17, 1961); "Censorship of Movies," *New Republic*, Vol. 144, p. 8 (Feb. 27, 1961); "Un-American Activities," *ibid.*, pp. 5–6 (March 13, 1961); "No Decision," *Reporter*, Vol. 25, p. 12 (July 6, 1961).

[9] Lewis, *op. cit.*, p. 306.

[10] Wechsler, *op. cit.*, p. 16.

[11] H. M. Hart, Jr., "Foreword: The Time Chart of the Justices," *Harvard Law Review*, Vol. 73, pp. 84–125 (Nov., 1959); A. M. Bickel and H. H. Wellington, "Legislative Purpose and the Judicial Process: The Lincoln Mills Case," *id.*, Vol. 71, pp. 1–39 (Nov., 1957); E. N. Griswold, "Foreword: Of Time and Attitudes—Professor Hart and Judge Arnold," *id.*, Vol. 74, pp. 81–94 (Nov., 1960).

[12] Scales v. United States, 367 U. S. 203 (1961).

[13] Braden v. United States, 365 U. S. 431 (1961).

[14] *Ibid.*

[15] *Ibid.*

[16] Wilkinson v. United States, 365 U. S. 399 (1961).

[17] Communist Party v. Subversive Activities Control Board, 367 U. S. 1 (1961).

Now with the best will in the world it was hard to argue that the questions had not been pertinent to the subject under inquiry, or that the witness had not been informed of the subject matter so that he could judge its pertinence. Since *Watkins* the Committee has framed its resolutions carefully and instructed its victims thoroughly, and as Mr. Justice Stewart says, it would be hard to imagine a preliminary question *more* pertinent to the topics under investigation. Moreover, *Barenblatt* v. *United States*[18] in 1959 had apparently decided that such inquiries are within the range of valid legislative purpose and do not infringe the First Amendment. But, it was said, the situation in the present cases is different; for Wilkinson and Braden have been called and questioned, not for the sake of gaining public information, but with the aim of punishing them because they assailed the Committee. A legislative purpose that might otherwise be valid is corrupted by this punitive motive.

This was the only significant contention not quite covered by *Barenblatt* or other precedents. Mr. Justice Stewart, upholding the convictions, replied that the Committee's behavior did not inescapably imply an intent to punish the witnesses and that even if it did, the inquiry would be valid. For, quoting *Watkins*, "motives alone would not vitiate an investigation . . . by a House of Congress if that assembly's legislative purpose is being served." And in these instances the subcommittee had "probable cause" to believe that the witnesses had information that would serve that purpose.

This implied requirement of "probable cause" may be a slender ray of libertarian promise in an otherwise somber landscape, but it appears slender indeed. For, as Mr. Justice Black remarked in dissent, each witness had been identified as a Communist, so far as the record shows, only by a single paid informer's flat statement, and if that is enough to satisfy the requirement, its value as a curb on Committee excesses is negligible. As for the pertinency requirement, the legislators can obviously meet it by modest care in drafting resolutions and instructing witnesses. And the claim that the interest in individual freedom may outbalance the state's interest in procuring information is apparently answered by the *Barenblatt* assumption that the state interest is nothing less than the preservation of the nation, admittedly a rather awesome interest to contend with. Justice Black, and others, would insist that the destruction of America is not materially forestalled by the harassment of men like Braden and Wilkinson, and that the majority, while pretending to apply the "balancing test" in cases of this kind, has weighted the government's side so heavily (and artificially) as to preordain the result.

There is some justice in the charge, which becomes even stronger in *Wilkinson* where, as Justice Black says, the Court even "disclaims any power to determine whether the Committee is in fact interested in the information at all." To be sure, the balancing formula cannot be expected to produce certain and precise results. But we can fairly ask that the users of the test weigh realities against realities insofar as imperfect man can discern them.

As an exercise in reason, then, the majority opinions here are marred by an evasion: the supposed key issue—the balancing of private rights and public need—is handled by referring us back to an earlier opinion in which the heart of the matter is likewise evaded. And the net result of these pronouncements is that congressional committees remain unfettered by significant constitutional restraints. Add the latest chapter in the saga of Willard Uphaus[19] in which the Court adhered to a similarly expansive view of state investigatory power, and it becomes clear that the judiciary offers chilly comfort these days to the shorn lambs who face governmental inquisition.

Yet it cannot be said that the dissenters suggest alternative criteria that would meet the difficulties inherent in the problem. Justice Black's opinion in *Wilkinson* makes a powerful assault on the majority position, but can it be seriously proposed that the judiciary should look behind every ostensible legislative purpose and evaluate the latent motives it finds there? Is there any way to insure that such an evaluation would represent anything but the subjective bias of the judges who made it? How *does* one assess the weight of the public need for particular information when, in the nature of the investigatory process, the information is not yet known? Some tightening up of the probable cause standard might serve a symbolic purpose, but an investigator cannot be asked to prove in advance what he is supposedly trying to find out. And surely the standards that guide us in this field should not be determined by the performance of the HUAC. They must be applicable to other committees, past and future, whose quest might indeed be relevant to the Republic's welfare. Such standards may be devisable, but they do not emerge from the minority opinions here. And the result of *Wilkinson* and *Braden* should be judged with that fact in mind.

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[18] 360 U. S. 109.

[19] Uphaus v. Wyman, 364 U. S. 388 (1960).

Wilkinson and *Braden* were decided in February; the judges thoughtfully waited until June to deliver the next one-two punch in the subversion field. Again by votes of five to four, the Court held that the Communist Party must register under the McCarran Act[20] and that the membership clause of the Smith Act had been validly applied to Junius Scales.[21]

The registration case presented a problem well calculated to tax the ingenuity of a judge who prefers not to invalidate a federal statute. The McCarran Act requires the registration of "Communist action" organizations with the Attorney General, and the registration statement must contain a variety of information including the names of officers and members. Once registered, or validly ordered to do so, the organization and its members become subject to certain obligations and disabilities. After hearings and appeals extending back to 1950, the American Communist Party now faced such an order to register, and the Supreme Court faced the question of that order's validity.

The statutory and constitutional challenges to the order were several, but perhaps the most weighty were those based on the First and Fifth Amendments. The Court has held that registration requirements may sometimes unconstitutionally constrict freedom of expression and association. Does not the McCarran Act applied to the Party have this effect? The Court has also held that the government cannot compel divulgence of Communist Party membership. Do not the Act's disclosure requirements force the officers to incriminate themselves?

The first of these objections could not be expected to prevail in the light of such holdings as *Dennis* v. *United States*[22] and such undoubtedly valid statutes as the Corrupt Practices Act and the Lobbying Act. Justice Frankfurter for the majority found that the registration order did not violate the First Amendment. The "balancing" formula was duly stated—impediments on freedom against public need—but the public-need side of the scale was heavily and decisively weighted by the idea that Congress has the primary responsibility for our security against foreign danger and that its choice of means for dealing with such threats must be respected unless the choice is rooted in "unfounded or irrational imaginings." In short, it would seem that no federal law aimed at a foreign-directed menace can fail to pass the balancing test: in this area the principle of legislative deference predetermines the result.

The Fifth Amendment is another matter. But its protections cannot be invoked by the Party on behalf of its officers; they must invoke it themselves, and they had not yet, as individuals, done so. It will be time enough to consider their privilege when they do refuse to register, citing the Fifth Amendment as their justification. Until then the challenge is premature. The *Party* is now required to register. Whether a given officer can escape the burden of the requirement is a matter for the future, as is the question of the validity of the disabilities imposed on those who are required to register under the Act. The Court thus managed adroitly to postpone the really ticklish Fifth Amendment issue, deciding only the narrow and relatively easy question of whether the Party was altogether immune from the obligation to identify itself. Only Justice Black was prepared to say it was. The Chief Justice wanted to postpone the whole decision by sending the case back once again to the Subversive Activities Control Board to tidy up some procedural loose ends. But, if constitutional issues were to be met, he agreed with Justice Brennan that the Act did violate the Fifth Amendment.

Justice Brennan's argument on this point was formidable. The Court had admitted *arguendo* that the Act would be invalid if it imposed on officials the obligation of answering in such a form as effectively to nullify the privilege against self-incrimination. But, said the Court, the question of whether the statute does contain this vice can wait until the Party or its officers are prosecuted for failure to register. Meanwhile the order to register stands. The Brennan point was that this puts the official in a cleft stick: he may register and thus surrender his possible privilege or refrain from registering and expose himself to the possibility of the grave criminal penalties provided for non-compliance. He is thus coerced to give up his privilege, and this amounts to an erosion of the Amendment's guaranties. These contentions were not fully answered by Justice Frankfurter's majority opinion. Plainly he was animated by a previously expressed conviction that the privilege against self-incrimination should be rigidly enforced within its traditional limits, but not extended an iota beyond them.[23] In this instance, however, even the traditional limits seemed to be narrowed, for the official was being pressured to waive his rights in much the way that a defendant is pressured if the prosecutor comments on his failure to take the stand.[24]

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[20] Above, note 17.

[21] Above, note 12.

[22] 341 U. S. 494 (1951).

In the *Scales* decision the majority again revealed its great reluctance to challenge the power of Congress in the subversion field. Scales had been convicted of being a member of the Communist Party with knowledge of its illegal purposes and with a specific intent to overthrow the government. The most serious contentions urged in his defense were three: that "guilt by association" violates the Fifth Amendment which prescribes that guilt must be personal; that the First Amendment immunizes such activities and associations; and that the McCarran Act of 1950 repealed the membership clause of the Smith Act.

The Court, by Justice Harlan, conceded that the Fifth Amendment argument had weight. Due process does require that guilt be personal, and membership alone, even in an illegal organization, may indeed be constitutionally protected. But the statute here was interpreted as punishing membership only if the petitioner was an "active" member who knew the Party was engaged in illegal activity and who had himself a specific intent to bring about the illegal result. The standard objection to the concept of guilt by association is that it may lead to punishment of the innocent or confused,[25] but the Court argued that these restrictive interpretations forfend that danger.

As for the First Amendment question, that too was pretty well disposed of simply by citing *Dennis*. Justice Harlan's only problem was the argument that the law discourages freedom of association by frightening the potential member whose aims are wholly innocent and legal. This objection is met, he said, by the requirement of *knowing* membership.

This may be, so far as it goes, a sufficient answer to the particular point, but the use of *Dennis* as a kind of *vade mecum* is beginning to be disturbing. The idea of that decision—and of such predecessors as *Schenck*[26]—was that the "clear and present [or probable] danger" determination depended on the circumstances "in every case." Whether the Court employs the clear and present danger rubric or its contemporary surrogate, the "balancing test," may not matter very much. In either event, the test, if it is one, must be applied to new contexts as new cases arise;[27] *i.e.*, *Dennis* did *not* settle "that the advocacy with which we are here concerned" is unprotected speech. It may be answered that the Court is unequal to the task of deciding in a field related to national defense whether "the gravity of the 'evil,' discounted by its improbability justifies such invasion of free speech as is necessary to avoid the danger";[28] and that the majority was tacitly conceding this. If so, would it not be better to acknowledge the fact by explicitly giving the Congressional judgment conclusive weight, as Justice Frankfurter did in the registration case? There is little to be said for retaining the appearance of a reasoned, independent judgment without the reality. If both the clear and present danger and the balancing tests are defunct for all practical purposes in cases of this kind, then in the name of reason it would be well to say so.

There remained for the Court a nice problem of statutory construction which had to be met before Scales could be locked away. The McCarran Act of 1950 provides that "neither the holding of office nor membership in any Communist organization . . . shall constitute *per se* a violation . . . of this section or of any other criminal statute." Does not this wipe out the membership clause of the Smith Act, passed ten years earlier? No, said Justice Harlan; this simply requires us to construe the Smith Act so as to apply only to active, knowing membership. The quoted phrase declares that *mere* membership is not criminal, but Congress did not intend to immunize membership of a purposeful sort. This interpretation was supported, as he saw it, by the context of the clause and by legislative history. Justice Brennan, on the other hand, argued in dissent that the law immunizes against prosecution for any kind of membership. The language is: "membership . . . shall [not] constitute *per se*" a crime, rather than "membership *per se* shall not constitute a crime." The position of "*per se*" makes a crucial difference; and without better knowledge of congressional intent than we have, we should assume that the law means what it says—that membership alone of whatever kind is not forbidden.

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[23] Ullman v. United States, 350 U. S. 422 (1956).

[24] See In re Opinion of the Justices, 300 Mass. 620 (1938); State v. Wolfe, 64 S.D. 178 (1936).

[25] Zechariah Chafee, Jr., *Free Speech in the United States* (Cambridge, Mass., 1946), pp. 470–483.

[26] Schenck v. United States, 249 U. S. 47 (1919).

[27] The relevant period in Dennis was 1945 to 1948; in Scales, 1946 to 1954.

[28] Dennis v. United States, 183 F.2d 201, 212 (1950).

These were the main decisions of the term involving federal power and the Red Menace. Certainly their result is to make it clear that the substantive authority of Congress in this field will not be challenged by the Court. But this has been tolerably obvious at least since 1951, and in fact no federal sedition law has ever been held unconstitutional. Like it or not, the policy of judicial acquiescence on this point can hardly be called surprising. What is rather dismaying is the Court's failure to make more use of certain judicial options which have enabled it in the past to take a hand in matters of this kind without running head-on into Congress' basic power to govern. The registration issue might have been evaded altogether by returning the case to the Board, as the Chief Justice suggested. The membership clause might have been bucked back to Congress by construing it in the way Justice Brennan proposed, for the construction was surely not unreasonable. By these expedients, as one acute observer has remarked,[29] the Court could have at least deferred an outright holding that two dubious, repressive statutes are sanctioned by the Constitution. And it seems particularly unfortunate to uphold both statutes, for they look in different directions, and even a modest Court is warranted in telling Congress that it cannot have it both ways, that it must choose between the ventilation of the McCarran Act or the prohibition of the Smith Act. The Court would be on particularly strong ground in enforcing this choice, for the judges would rest squarely on the procedural right against self-incrimination, and procedure is a well-recognized judicial domain. By such techniques—the judicious use of the power to remand, the power to interpret statutes, and the power to enforce procedural regularity—the Court has performed usefully in this field in the past, and it would be a pity if it now chose to abandon even this carefully self-restrained function.

Fortunately there is evidence even in these cases that such a course of inaction has not been irrevocably set. For one thing, the Court did make it clear in *Scales* that the government is bound to prove active, knowing, purposeful membership in each prosecution, and this requirement should not only mitigate individual injustice, but also hold the number of such prosecutions to a minimum. For another thing, Justice Harlan reiterated the *Yates*[30] doctrine that the government must show advocacy of illegal action, not merely "abstract doctrine," and further explained that very strict standards of proof are required. These pronouncements caused a conservative magazine, loath to approve the Supreme Court's behavior even when anti-subversive laws were upheld, to suggest that the proof requirement would make the cause virtually unenforceable.[31] This is probably too optimistic—or pessimistic as the reader prefers. But in *Noto* v. *United States*[32] the Court did void a membership clause conviction because the evidence of illegal advocacy by the Party was inadequate by these strict standards. Add *Communist Party* v. *Catherwood*[33] which held, as against a state determination, that the Party need not be deprived of the benefits of unemployment compensation; and *Deutch* v. *United States*[34] which freed a recalcitrant HUAC witness under the pertinency rule; and the faint glimmer of a silver lining may be descried. The Court is probably going to behave unobtrusively in this field, but it has not yet wholly abdicated.

Apart from the after-echoes of the Uphaus problem, the only significant state cases involving the "Communist question" were *In re Anastaplo*[35] and *Konigsberg* v. *State Bar*.[36] Both involved state refusals to admit to the bar candidates who would not answer questions about Communist Party membership. In Illinois and California, where the cases arose, the bar examiners must be satisfied that aspirants are of good moral character, and California specifically denies bar admission to those who advocate violent overthrow of government. The committees argued that Anastaplo and Konigsberg had, by their refusals to answer, obstructed full investigation of their qualifications, and it was this obstruction of a relevant inquiry that justified their rejection as members of the bar.

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[29] A. M. Bickel, "The Communist Cases," *New Republic*, Vol. 144, pp. 15–16 (June 19, 1961).

[30] Yates v. United States, 354 U. S. 298 (1957).

[31] "Let the Intellectuals Take it From Here," *National Review*, Vol. 10, p. 371 (June 17, 1961).

[32] 367 U. S. 290 (1961).

[33] 367 U. S. 389 (1961).

[34] 367 U. S. 456 (1961).

[35] 366 U. S. 82 (1961).

[36] 366 U. S. 36 (1961).

The Supreme Court, by Mr. Justice Harlan, upheld the committees over sharp dissenting opinions by Justices Black and Brennan. Mr. Justice Black insisted, *inter alia,* that compelling answers to such questions was an unconstitutional impingement on speech and association; and both he and Justice Brennan contended that the states were imposing upon applicants the burden of proving that they did not advocate violent overthrow, a shifting of the burden that had been condemned three years ago in *Speiser* v. *Randall.*[37] The Court answered the first objection by invoking the "balancing test"—"the State's interest in having lawyers who are devoted to the law in its broadest sense, including . . . its procedures for orderly change" is "sufficient to outweigh the minimal effect upon free association occasioned by compulsory disclosure in the circumstances here presented." As for *Speiser,* Justice Harlan was able to distinguish it. Unlike *Speiser,* the present cases involve the denial of positions of responsibility to "a limited class of persons" regarded as dangerous "because the position might be used to the detriment of the public." Moreover, there is no evidence that the state here shifted the burden of proof to the petitioner; rather, it seems that the state assumed the burden itself and was prevented from discharging that burden by the refusals to answer.

No cloud of words can conceal the fact that a lawyer may now be required to answer questions about Communist Party membership as a precondition to practicing his profession; and it seems equally clear from the Court's language that a state may deny bar admission if advocacy of violent overthrow can be demonstrated. No doubt it is unwise to levy such gratuitous pains and penalties on those who believe, like Shelley, in their right to silence, or even on those who still adhere to the miserable remnant that is now the American Communist Party. But wisdom and constitutionality are different matters, and—as in the investigation cases—the question is where a viable line might be drawn here. Can it be held that the State is *unreasonable* in believing that advocacy of illegal means to change the form of government is an important consideration in determining the fitness of lawyers "in whose hands so largely lies the safekeeping of this country's legal and political institutions?" And if this is a reasonable belief, can the applicant be allowed to thwart the inquiry designed to implement it? Justice Brennan would apparently concede, *arguendum,* that the belief is reasonable, but would require that the state assume the burden of proving a *prima facie* case against the applicant before denying him admission. This suggestion may have promise; these decisions do not altogether close the door on it. Yet such a rule would apparently be at odds with standing procedures in most states, and the Court seems justified in at least postponing so drastic a departure from custom.

Meanwhile, it must be said of the bar examination cases, like the cases just discussed involving federal power, that they contain few surprises. Some years ago the Court began to hint that it might take a hand when the urge to persecute unorthodox opinion impinged on freedom of occupation. The hints were very tentative, the limitations on state power were cautiously drawn, and the development had to be understood in the light of a line of cases that upheld such impingement when the occupation was that of a specially placed group such as public employees.[38] The bar examination cases surely make no libertarian advance in this field; but neither do they depart significantly from lines long since established.

III

As has been suggested, one of the justest criticisms of the Communist registration case and *Scales* is that they gave positive sanction to repressive acts, even though the issues might have been avoided. A rather similar point can be made about *Times Film Corporation* v. *Chicago.*[39]

The issue was movie censorship, and a few words of background are in order. In 1952, the Court repudiated the old doctrine[40] that movie censorship is immune from challenge under the free expression clauses of the Constitution.[41] However, although conceding that movies raise First Amendment questions, Mr. Justice Clark for the majority was careful not to condemn all regulation of this medium of expression, nor was he even prepared to rule that all "prior restraint" was forbidden. In subsequent cases,[42] Justices Black and Douglas began to urge that the Court take at least this minimum step of outlawing prior restraint, which has been traditionally regarded as peculiarly objectionable in the free speech field; but the majority steadily refrained from doing so. The case-by-case approach that was adopted had this to be said for it: the whole subject was novel as a constitutional issue; the argument against censorship may depend in part on such variables as the means of communication and the form of the restriction; and judges, like lesser mortals, sometimes need the aid of time to ripen their understanding. Not even the "priorness" of the repression settles the matter. Even before *Burstyn,* Paul A. Freund had persuasively argued that there are kinds and kinds of prior restraint,[43] and the Court, charting new seas, must go slowly while such insights are evaluated and digested.

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[37] 357 U. S. 513 (1958).

[38] Adler v. Board of Education, 342 U. S. 485 (1952); Garner v. Los Angeles Board, 341 U. S. 716 (1951); Barenblatt v. United States, 360 U. S. 109 (1959).

[39] 365 U. S. 43 (1961).

[40] Mutual Film Corp. v. Ohio Industrial Comm., 236 U. S. 230 (1915).

[41] Burstyn v. Wilson, 343 U. S. 495 (1952).

But in the 1960 term, the majority seemed to lose patience with this tortoise-like pursuit of wisdom. Chicago requires that movies must be submitted, before showing, to the police commissioner who may grant or withhold a permit, subject only to review by the mayor. The Times Film Corporation had refused altogether to submit a film, arguing that—quite apart from the standards the commissioner might employ—this system of administrative prior restraint was void on its face. The Court, by Mr. Justice Clark, saw this as presenting the question of whether an exhibitor has "complete and absolute freedom to exhibit, at least once, any and every kind of motion picture." The answer, said the Court, is no. Very well. Given this formulation of the issue, the answer is not astonishing. But the result is to uphold the principle of administrative censorship, which is as the Chief Justice said, prior restraint in its "purest and most far-reaching form." From refusing to condemn prior restraint of all kinds, the Court seems to have taken the long stride to a policy of approving a particularly vicious kind. Of course review will still be granted as to the legitimacy of the standards police chiefs may employ. But the concept of administrative licensing itself has apparently been constitutionally ratified.

The mischief of such a concept was exposed by the Chief Justice in his strong but somewhat diffuse dissent. The administrative censor operates in comparative privacy, free from the procedural safeguards that would prevail in a court of law. Though his decisions may be theoretically subject to judicial review, this is likely to be a hollow consolation in practice because of the delays of the adjudicative process—the present case had been pending for three years. Meantime the would-be exhibitor is trapped because he cannot show the film until the license issues. He is likely therefore to knuckle under to the censor's whim, even though it is based on plainly arbitrary standards.

Mr. Justice Clark's opinion proceeds as if the only alternative to this arrangement would be utter freedom to show any film—however obscene—at least once. But this is a false view of the options available. The Court in 1957 had upheld a system of book regulation which permitted New York City to seek in court a "limited injunctive remedy" under close procedural safeguards, including the right of the book-seller to immediate trial.[44] This procedure mitigates to a considerable degree the objections to administrative censorship mentioned in the last paragraph, and is a far cry from the Chicago arrangements. Perhaps the Court is not ready to prescribe the New York method as a universal rule; perhaps movies present problems of control different from those imposed by books. But the *Kingsley Books* case does at least suggest that there is a middle ground between the evils of administrative censorship and complete abandonment of the principle that condemns prior restraint.

The trouble is that Justice Clark's tendency to think in polarized terms on one side of such issues is matched by a similar tendency on the Black-Douglas side of the courtroom. Justice Douglas had denounced the New York ordinance as "censorship at its worst," which it patently was not. The Chicago arrangement was in fact a good deal worse, and it is this kind of refusal to acknowledge differences in degree that impedes the development of a workable jurisprudence in the civil rights field.

There is some possibility that the implications of *Times Film* are less deplorable than they seem. A later court might hold that the case merely rejected the claim of an absolute right against all prior restraint. That may be what Justice Clark meant when he said "It is that question alone that we decide." The question of the procedural sufficiency of any particular system could then still be raised. But if this was what was meant, nothing would have been easier than to say so, and the cloudiness of the majority reasoning leaves room for the lamentable inference that administrative censorship is constitutionally approved. That inference may serve as the basis for a substantial revival of censorship before the Court in its deliberate majesty gets around to facing the issue again.

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[42] Kingsley Pictures v. Regents, 360 U. S. 684 (1959); Superior Films v. Ohio, 346 U. S. 587 (1954).

[43] "The Supreme Court and Civil Liberties," *Vanderbilt Law Review,* Vol. 4, pp. 533–554 (April 1951).

[44] Kingsley Books v. Brown, 354 U. S. 436 (1957).

IV

So far the tale of the 1960 term is a rather dreary one. In the cases involving the subversion issue, the Court has added another layer or two to the long-standing but growing impression that it will deal only with the extreme periphery of the problem. In *Times Film*, it has marred a ten-year record of cautious but effective discouragement to the spirit of Mrs. Grundy. Despite the cross-threads and reservations that have been duly noted, an observer might understandably doubt that this is a Court whose members are all "equally zealous to enforce the constitutional protection of the free play of the human spirit."[45] But a term, like a book or a life, must be judged in the round, and there are further deeds to be recorded.

The decisions of the term that probably caused the most general excitement were those in the Sunday law cases.[46] No doubt this unwonted public concern for a constitutional issue came about partly because of the widespread impact of Sunday closing laws: there is hardly an American who has not been mildly inconvenienced by such statutes, while most have never so much as seen a communist except in television dramas. But partly the interest must be explained as an aspect of that curious and anachronistic fascination our people have for disputes with a religious undertone. No matter how secular we may become in spirit and practice, the mention of religion can still make dogmatists out of citizens and mountains out of molehills.

The issues posed in these cases were whether Sunday closing laws violated the equal protection and religious freedom guaranties, and the prohibition against laws "respecting an establishment of religion." The short answer is that they do not. But brevity was hardly the watchword for the judges in this litigation. The opinions on both sides consumed, by rough count, 58,000 words, 47,000 more than it took Marshall to decide *McCulloch* v. *Maryland.*

The four cases varied both in the circumstances of the persons involved and in the nature of the statutes challenged, but certain constitutional issues were common to all. For one thing, it was argued that the laws' purpose and effect was to aid religion and that this violated the "no establishment" principle. On the contrary, said the Chief Justice, who spoke for the Court in all four, the *present* purpose of the legislation is to set aside "a day of rest, repose, recreation and tranquillity." The original purpose may have been religious, but in the course of time this basis has been replaced by a secular objective which is, constitutionally speaking, unexceptionable. In each case the Chief Justice conducted an examination of the laws in question, and warned that Sunday laws would be struck down if they did betray a religious motive. But surely it would be a modest feat of legislative draftsmanship to avoid such pitfalls, and we may assume that the basic power to establish a "day of tranquillity" is now safe from constitutional assault. Only Justice Douglas seems to disagree.

The second major objection to the laws was that they violated the equal protection clause because of the eccentricity and arbitrariness of the exceptions they granted—Maryland forbids oyster-gathering but permits the playing of pin-ball machines; Massachusetts allows the sale of ice cream at retail and of dressed poultry at wholesale, but prohibits (presumably) the wholesaling of the former and the retailing of the latter. And so on. The pattern in Massachusetts had been called by the District Court an "unbelievable hodgepodge." But the possibility of overthrowing the laws on this ground was thin to the vanishing point once it was conceded that they aimed at a legitimate secular objective. For years the Court has steadily held that a statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it.[47] These laws may have stretched a little the judicial capacity to conceive, but not more than some others have. A religious (or racial) basis for the classification would, of course, damn it. But absent that factor, the Court found no difficulty in imagining reasonable grounds for the distinctions.

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[45] Frankfurter, J., Murdoch v. Pennsylvania, 319 U. S. 105, 129 (1943) (diss.).

[46] Braunfeld v. Brown, 366 U. S. 599 (1961); Gallagher v. Crown Kosher Super Market of Mass., Inc., 366 U. S. 617 (1961); McGowan v. Maryland, 366 U. S. 420 (1961); Two Guys from Harrison-Allentown, Inc. v. McGinley, 366 U. S. 582 (1961).

[47] Railway Express Inc. v. New York, 336 U. S. 106 (1949); Queenside Hills Realty Co. v. Saxl, 328 U. S. 80 (1946).

The final question was not so easy. The Sunday laws may be secular in their motivation, but suppose they have the incidental effect of imposing a discriminatory burden on certain religions—Orthodox Jews, for example, whose faith forbids them to work on Saturday. Is this not a restriction or penalty on religious freedom? The Chief Justice admitted that it is. The Orthodox may be forced to a choice between abandoning Sabbatarianism or suffering the economic disadvantage of a five-day week for their shops, as against a six-day week for their competitors. But, said the Chief Justice, the state is sometimes permitted to restrict or burden religious practices in the course of seeking a legitimate secular objective. This law does not forbid Saturday observance; it merely makes it inconvenient. Such a law is valid "unless the State may accomplish its purpose by means which do not impose such a burden."

However, for Justice Brennan, who dissented on this issue, the quoted phrase was precisely the sticking point. Why not require the state to allow an exception for anyone whose *bona fide* religious beliefs require him to rest on Saturday? Many states do grant this exception which eliminates the burden on religious freedom, yet keeps the "day of tranquillity" substantially intact. This might indeed be the wiser solution, said the Court, but we are not prepared to impose it as a constitutional requirement. Such exceptions could create enforcement problems, since the state might have more difficulty in keeping track of violations. The Sunday observers might arguably claim that *they* were disadvantaged. And finally such a system would plunge the state into the vexing business of distinguishing between sincere and spurious claims of religious scruple. The state may choose to enter such a hornet's nest if it likes, but the Constitution does not require it.

It should be emphasized that this question of allowing exceptions for Sabbatarians was the only one that was close enough to attract as many as three dissenters. Even if such a rule had been imposed, it would have been a minor qualification of the general holding that Sunday laws are valid, for only the Sabbatarians themselves would have standing to raise the issue, and their number is not great. Perhaps the fact alone argues for the rule. As Justice Brennan said, Sundays might be a little noisier and the task of enforcement a little more difficult, but this price is worth paying in order to avoid discriminating against religion. Yet the objections raised by the Chief Justice (and Justice Frankfurter's concurring opinion) were more substantial than Justice Brennan conceded. In fact, the arguments on both sides in these cases have a thoughtful, cogent quality, so that the reader is held delicately poised between agreement and disagreement. The Sunday Law decisions provide us with one of those all-too-rare instances in which reason seems to have played a significant part in the result.

Why is this so? Perhaps because the Sunday laws cut across the categories into which the Court's thinking has tended to crystallize in recent times. Such a problem as this is not answerable in terms of simplistic pro-individual or pro-government concepts, and the judges are therefore led to look beyond their prepossessions for guidance. How would the results of these cases be assessed in any *pro* and *con* enumeration? How do we weigh the individual right of A to enjoy a tranquil Sunday against the individual right of B to pursue his trade free from discrimination on account of his religion—and incidentally to mar A's tranquillity? Certainly it is hard to classify as anti-libertarian holdings so equivocal as these, particularly when they are supported by Justices Warren, Black, and (except for the special question of Sabbatarians) Brennan. The vitality of the Court's concern for religious freedom is evinced not only by the warnings embodied in the language of the Sunday law decisons but by *Torcaso* v. *Watkins*[48] which unanimously overthrew a requirement of the Maryland constitution that public officers declare their belief in God.

V

The doctrinal history of the modern Supreme Court in the area of criminal procedure has been extremely complex, partly because procedural and substantive questions are often intertwined and partly because even the cases involving "pure" criminal procedure issues are very numerous. Since the early 1930's when the judges began to display a new sensitivity for the rights of the accused, such cases have bulked large on the Court's docket, and the pattern of decision-making is labyrinthian. Nevertheless, allowing for cross-threads and convolutions, it can be said that there has been a broad tendency to go forward (*i.e.*, to extend the constitutional rights of accused persons), moderated by a disposition to hold the line in certain areas, such as the right to counsel in state courts[49] and the right against eavesdropping.[50] Except for the brief period of "the Vinson Court," when such holdings as

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[48] 367 U. S. 488 (1961).

[49] Betts v. Brady, 316 U. S. 455 (1942).

[50] Goldman v. United States, 316 U. S. 129 (1942).

Trupiano v. *United States*[51] were spawned, relatively few important backward steps have been taken. Perhaps no other field, except racial discrimination, so clearly illustrates the general concord of the judges on a basic ideal of fairness to the individual. The disagreement has usually been between those who would go slow in extending this ideal and those who would go somewhat faster. Between these mild extremes the majority has forged gradually ahead.

The 1960 term was marked by a distinct spurt forward in this field, not indeed the kind of headlong advance that Justice Douglas would favor, but a brisk one nonetheless. Leaving aside decisions already treated like *Wilkinson* and the Communist registration case in which procedural questions were linked to major substantive issues, the Court upheld the government in only a handful of cases. Chief among these were a pair involving the claim of double jeopardy[52] and another pair involving the question whether federal courts should enjoin the use of illegally obtained evidence in state courts.[53] The first three simply represent a refusal to go forward; certainly they could not be regarded as retreats from settled libertarian positions. *Wilson* v. *Schnettler* may be a little cloudier, for in *Rea* v. *United States*[54] the Court had held that a federal court injunction could issue to prevent federal agents from presenting in state court evidence illegally seized, and Wilson was invoking that holding. But there were factual differences between the two situations, and the Court in *Wilson*, though rejecting the petitioner's claim, did not depart from *Rea's* basic holding that illegal search can warrant federal court intervention. And at all events, *Mapp* v. *Ohio*,[55] discussed below, seems to obviate the whole question by holding that *all* unconstitutionally seized evidence is excludable in state courts, so that hereafter a defendant like Wilson could simply invoke that rule, and an injunctive remedy would be unnecessary. In short the spirit of these decisons seems at most static rather than retrogressive.

And in any case they are greatly overbalanced on the liberterian side by other criminal procedure decisions of the term. Not only is it true that a heavy proportion of the cases were decided in favor of the accused. More important, two of these decisions must be regarded as landmarks in the history of modern constitutional doctrine.

The lesser of them was nevertheless highly significant, not because it carved out new doctrine but because it adhered so scrupulously to the limits of the old. Since *Goldman* v. *United States* permitted admission of "detectaphone" evidence, there has seemed reason to fear that there was no constitutional protection against the ingenious electronic eavesdropping made possible by modern science. Such fears were not entirely stilled by *Silverman* v. *United States*,[56] but they were confined within borders. In this, the "spike-mike" case, the Court held inadmissible evidence obtained by driving a spike attached to an amplifier into the wall of a house until it hit a heating duct. The entire heating system thereby became a giant microphone. The detectaphone in the *Goldman* case had not penetrated the house wall, and this, said the Court, made a crucial difference. Eavesdropping accomplished by an "unauthorized physical penetration" of this private house invaded the rights secured by the Fourth Amendment. The petitioner had asked for reconsideration of *Goldman*, but Justice Stewart found this unnecessary in the light of the difference in the facts. However, the language of his majority opinion reveals alertness to the threat of "frightening paraphernalia" to the right to privacy, and the determination not to go beyond *Goldman* "by even a fraction of an inch." There may in fact be reason to doubt that *Goldman* itself could now survive direct constitutional attack, especially when it is remembered that Justice Frankfurter was among the dissenters in that case.

The second and even more striking decision was *Mapp* v. *Ohio*, which held that evidence obtained by unconstitutional search was inadmissible in state prosecutions, thus overruling one of the most controversial procedural cases of the modern era, *Wolf* v. *Colorado*.[57] This development is so spectacularly libertarian, especially when viewed against the background of *Wolf*, that it must play a major part in any evaluation of the term's results. Yet not even a staunch advocate of forward movement in this field could allow himself more than two cheers, unless he were so result-oriented as to be entirely indifferent to the need for reasoned decision.

Mapp must surely rank as one of the untidiest decisions in which the modern Court has announced a salient constitutional doctrine, which is saying a good deal. The case had arisen from a state prosecution for the possession of "lewd and lascivious" books and pictures, and the main issue briefed and argued concerned the validity of the Ohio law which punishes mere knowing possession of such material. The evidence had admittedly been seized illegally, but the *Wolf* doctrine of course controlled this question, and the suggestion to overrule *Wolf* came in the course of an *amicus curiae* brief and was hardly argued at all. As Justice Harlan remarked, dissenting, an important change in constitutional law should be preceded by full-dress argument, insuring the most sober kind of judicial consideration, especially when the prevailing rule has been laid down comparatively recently and when the issue is one of some intricacy. Even more, it seems unfortunate to decide a constitutional question of such moment when the case might have been disposed of by reference to another clearer question that had been fully briefed. Cases involving illegally obtained evidence are common enough, and if the Court was resolved to overthrow *Wolf* it would not have had to wait long for a more felicitous opportunity.

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[51] 334 U. S. 699 (1948).

[52] Gori v. United States, 367 U. S. 364 (1961); Callanan v. United States, 364 U. S. 587 (1961).

[53] Wilson v. Schnettler, 365 U. S. 381 (1961); Pugach v. Dollinger, 365 U. S. 458 (1961).

[54] 350 U. S. 214 (1956).

[55] 367 U. S. 643 (1961).

[56] 365 U. S. 505 (1961).

[57] 338 U. S. 25 (1949).

Unhappily, the faults of Justice Clark's majority opinion did not stop here. His arguments for overthrowing *Wolf* revealed the need for what Justice Harlan called the "aid which adequate briefing and argument lends to the determination of an important issue." The Court's basic point was that *Wolf* recognized that the Fourth Amendment's right to privacy applies to the states and that it is therefore anomalous not to apply the constitutionally derived *Weeks* rule,[58] which excludes illegally obtained evidence from federal trials, to the states as well. But this begs at least three important questions: is the *Weeks* rule of constitutional origin or rather a rule of evidence imposed by the Supreme Court in pursuance of its power to supervise the federal judicial system? Was it the Fourth Amendment that was applied to the states in *Wolf* or the "principle of privacy" which might have a different meaning in the Fourteenth than it has in the Fourth? Is it always anomalous that state courts are allowed more room for variation than federal courts, or does the concept of federalism warrant just such leeway?

Each of these questions needed to be carefully considered even if they were all to be answered as the Court did. And the failure to consider them weakened the Court's other arguments. One of these was that the passage of time since *Wolf* had undermined the case against exclusion, partly because "more than half" of the states passing on the question since then had adopted the exclusionary principle. As Justice Harlan said, half of all states still do admit such evidence, and in any case state autonomy is not to be overridden simply because a slight tendency has developed to regard one rule as more desirable than another. Another of Justice Clark's points was that we exclude involuntary confessions in state courts and that the exclusion of illegally seized evidence is analogous. But Justice Harlan gravely impaired this argument by pointing to a crucial difference. Forced confessions are excluded because they may infect the fairness of the trial itself, not because of something the police did before the trial. To admit such evidence would make the trial a farce; the strongest evidence of innocence might be overborne by a confession that was coerced and thus quite possibly false. On the other hand, illegally obtained evidence is excluded, when it is, not because the *trial* has been rendered unfair (the evidence may be perfectly convincing, though illegally procured) but to deter police from unconstitutional conduct. The Supreme Court has the authority thus to supervise the conduct of federal police, but under the federal system it has no such power to discipline the police of the states.

The point is not whether the majority's assumptions can be defended or whether Justice Harlan's strictures are unanswerable. Nothing the latter says quite disposes of Justice Murphy's contention in *Wolf* that only the exclusionary rule can make the right to privacy real. And even in connection with the argument canvassed above, one might well ask whether the Court is in fact limited to concerns bearing on the trial itself. The Fourteenth Amendment speaks of due process of *law*, and it might be contended that this touches the whole process by which criminals are brought in and punished. But the point is that the majority opinion did not effectively state the case for overruling *Wolf;* it did not meet the burden of justifying a departure from *stare decisis*. The dissenting opinion was in fact far more effective than the prevailing one. *Wolf* may have deserved to be buried, but it merited a more persuasive funeral oration.

But whatever the infirmities of the reasoning, *Wolf* is decisively overthrown, and the "*Mapp* doctrine" takes an important place among the rules that insure uniform fair play to the individual, as does the "spike-mike" doctrine of *Silverman*. Other decisions of the term, while less spectacular, add to the impression of judicial resolution in this field. For example the Court reconfirmed and strengthened the doctrine of *Griffin* v. *Illinois*[59] that financial hurdles must not bar an indigent's right to review of his conviction;[60] a state trial prejudiced by newspaper publicity with the prosecutor's connivance was held violative of due process:[61] and an indigent convicted of felony was held entitled to a hearing to determine whether the state denial of counsel offended due process.[62] The interesting thing about this last case was not its result, but Justice Douglas' concurring plea for reconsideration of *Betts* v. *Brady*, which allowed the state to dispense with counsel in some felony cases. "I cannot believe," he said, "that a majority of the present Court would agree to *Betts* v. *Brady* were it here *de novo*. . . . " If his guess about the temper of the present Court is correct, there may be further startling events to come in the near future. Has the present majority resolved the old misgivings about the wisdom of imposing procedural rules on the states? Has Justice Frankfurter's concern for flexible federalism lost out to those who contend for a more uniform standard of due process? The answer, as Justice Story would say, is "locked up in the inscrutable purposes of Providence" (and in the bosoms of five members of the Court); the chances are that it will emerge gradually, if at all. But *Mapp* is a very considerable straw in the breeze; and there can on the whole be little doubt about the direction of the wind currents during the 1960 term at least.

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[58] Weeks v. United States, 232 U. S. 383 (1914).

VI

Since 1954, as every schoolboy knows, the Supreme Court—and even more the lower federal courts which it supervises[63]—has been heavily preoccupied with the problem of public school integration. After the seven-league stride of the *Brown*[64] decision, the Court has moved steadily but not hastily forward against other forms of racial discrimination. The implications of the *Brown* doctrine were applied in *per curiam* holdings against segregation in such facilities as public recreation grounds[65] and intrastate buses;[66] the states that sought to take retributive action against the NAACP were stymied;[67] the concept of "state action" was extended so as to make it a little harder to maintain a discriminatory policy.[68] With the possible exception of this last case, these developments might be said to be logically inherent in the broad disapproval of racial discrimination that was exemplified by the *Brown* doctrine.

In the 1960 term there began to be signs that the Court was approaching, though not yet reaching, the limits of that logic. For one thing, we get in some of the cases the first real break in the unanimous front that the Court has recently maintained on such questions. In *Shelton* v. *Tucker*[69] the majority held invalid an Arkansas law requiring schoolteachers to list all organizations they have belonged to for five years. What troubled the dissenters here was the problem of reconciling this holding with such precedents as *Adler* in which a state's right to inquire into its employees' associations had been upheld. Mr. Justice Stewart's point, for the majority, was that the state could have no legitimate interest in all associational ties, and it must therefore draw such statutes more narrowly if it hopes to meet judicial inspection. This doctrine may be a good one, but it is also somewhat novel, and its implications may require careful examination, if the Court is to keep its lines of logic straight.

Again, in *Boynton* v. *Virginia*[70] the Interstate Commerce Act was held to bar a trespass action against a Negro who refused to leave a bus terminal restaurant. The Act forbids "unjust discrimination" in facilities "operated or controlled" by a motor carrier, and the whole Court agreed that this would prohibit racial discrimination in a bus company's own restaurant. But this restaurant was owned by a local Virginia corporation and leased to a private operator. Nevertheless, said Justice Black for the Court, it is subject to the Act, without regard to niceties of title, if the bus company has volunteered to provide terminal facilities and "the terminal and restaurant have acquiesced in and cooperated in this undertaking." This feat of constructive alchemy was too much for Justices Whittaker and Clark, who dissented.

In another line, *Burton* v. *Wilmington Parking Authority*[71] raised similar misgivings, this time about the elasticity of the "state action" concept of the Fourteenth Amendment. The Court held that a restaurant privately operated but leased from the city was engaged in state action and thus subject to the equal protection clause. But the grounds for so deciding were far from clear in Justice Clark's majority opinion which threw together, as Justice Harlan said, "various factual bits and pieces" and then undermined "the resulting structure by an equally vague disclaimer." Since there was some basis for believing that the state law might specifically authorize the racial discrimination in question, which would flatly contravene the Fourteenth Amendment, three members of the Court wanted to seek an authoritative interpretation from the state court before deciding the case. They preferred to avoid the tortuous question of state action until it was forced upon them. Sooner or later that question will have to be faced, but its resolution would strain the powers of Daniel himself, and meantime there is little to be said for such *ad hoc* formulations as this majority opinion offers, however congenial the immediate results may be.

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[59] 351 U. S. 12 (1956).

[60] Smith v. Bennett, 365 U. S. 708 (1961).

[61] Irvin v. Dowd, 366 U. S. 717 (1961).

[62] McNeal v. Culver, 365 U. S. 109 (1961).

[63] See Peltason, *op. cit.*

[64] Brown v. Board of Education, 347 U. S. 483 (1954).

[65] Baltimore v. Dawson, 350 U. S. 877 (1955).

[66] Gayle v. Browder, 352 U. S. 903 (1956).

[67] N.A.A.C.P. v. Alabama, 357 U. S. 449 (1958).

[68] Pennsylvania v. Board of Directors, 353 U. S. 230 (1957).

[69] 364 U. S. 479 (1960).

[70] 364 U. S. 454 (1960).

[71] 365 U. S. 715 (1961).

The minority qualms expressed in these cases reflect an awareness that the problems have not been entirely thought through and that pragmatic decisions in defense of the shared value of racial equality may close portals in other areas where an open-door policy has so far prevailed. These reflections are relevant to *Gomillion* v. *Lightfoot,*[72] which was probably the most surprising racial rights decision of the term and may have the most significant implications. It concerned Tuskegee, Alabama, which had allegedly been gerrymandered so as to exclude from voting in city elections all but four or five of its 400 former Negro voters. The state hoped, relying on *Hunter* v. *Pittsburg*[73] and *Colegrove* v. *Green,*[74] that this strategem would be beyond the reach of the federal courts and that the disadvantaged Negroes would thus be unable to raise the claim of constitutional rights.

But the Supreme Court thought otherwise. If the allegations could be proved, the act would be an invalid racial discrimination affecting the right to vote as protected by the Fifteenth Amendment. *Hunter* and related cases did not hold that the state has plenary power to manipulate municipal borders at will, but only that the particular constitutional clauses there invoked could not avail to limit the power in those particular contexts. As for *Colegrove,* the Court there held that the dilution of appellants' voting strength because of the legislature's failure to reapportion presented a "political question." The present case was different, because the legislature here had affirmatively acted to deny the vote on *racial* grounds, which is specifically forbidden by the Fifteenth Amendment.

This opinion was carefully and neatly wrought so as to permit the Court to checkmate racially discriminatory gerrymanders without opening up the whole vast question of apportionment. Justice Whittaker, concurring, would rely on the equal protection clause, but he too felt that *Colegrove* was distinguishable.

The case is important enough if its emanations go no further than this: that electoral apportionment is subject to challenge on the ground of racial discrimination. But it may prove difficult to confine it to those limits, and the case nicely illustrates the problem of logical consistency that is posed by some of these decisions in the racial field. The Court is obviously determined to nullify "sophisticated as well as simple-minded modes of discrimination"[75] and must therefore be alert against indirect action with a segregationist motive. But that kind of action may take forms that would apparently immunize it from attack under previously announced constitutional doctrine—most readers of *Adler* v. *Board of Education* would think that it authorized Little Rock to query schoolteachers about organizational ties; most readers of *Colegrove* would think that Tuskegee's gerrymander presented a non-justiciable question. In correcting these misunderstandings, as it did in *Shelton* and *Gomillion,* the Court has two choices: to declare in effect that there are special rules for situations that involve the hint of racial discrimination; or to fashion a new general rule that will cover the situation. If it takes the former course, it will be holding that the right against racial discrimination enjoys a super-"preferred position" in our system of constitutional restraints. That seems to be the idea of Justice Frankfurter in *Gomillion* (though he would of course ardently reject the phrase): electoral inequality is forbidden if based on racial grounds, but other kinds of inequality do not offend the Constitution. This double standard may have some warrant, as he implies, in the precise language of the Fifteenth Amendment. But the equal protection clause of the Fourteenth speaks in more general terms, and the question is whether the concept of equality, so strictly conceived to protect the Negro, can go on being interpreted permissively when the rights of men in general are at issue. There is some reason to suspect that *Gomillion* may become an entering wedge for reconsideration of the whole apportionment problem.[76] Whatever may be the truth about this, the fact remains that hard judicial soul-searching impends in this field. If a double standard is to prevail, it requires careful exposition and justification. If on the other hand general constitutional doctrines are to be reinterpreted so as to accommodate decisions like these, the task of synthesis will be a formidable one. So far, it seems fair to say, neither job has been done.

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[72] 364 U. S. 339 (1960).

[73] 207 U. S. 161 (1907).

[74] 328 U. S. 549 (1946).

[75] Lane v. Wilson, 307 U. S. 268, 275 (1939).

VII

Only brief attention can be paid here to a scattering of other civil rights decisions, though some of them might well have attracted more notice in a term less crowded with momentous developments in this field.

The nasty question of arbitrary security dismissals was raised by the case of one Rachel Brawner who was a short-order cook in a privately operated cafeteria in a naval weapons plant.[77] This installation was under military command, and Mrs. Brawner lost her job when the commanding officer withdrew, without specific charges or a hearing, her identification badge on the ground that she failed to meet security requirements. The Supreme Court might have held that such action was unauthorized by statute,[78] or that it violated procedural due process; Mr. Justice Stewart, for the majority, chose to do neither. Though he admitted that dismissed government employees may have constitutional rights in some circumstances, there was no right to notice and hearing here, where the reasons for her exclusion were not "patently arbitrary or discriminatory." This reasoning by-passed the sticky issue, which was that the "security risk" badge of infamy was involved. To recognize a constitutional right to a hearing for all dismissed government employees would plunge both the law and public personnel administration into endless difficulties. But the "security risk" tag is so damaging to the individual that its use should, at the very least, be accompanied by some procedural protections. One can only hope that a later Court will be able to confine this precedent very narrowly to its specific facts, and minimize the damage it potentially does to the tradition of procedural fairness.

Two potentially very interesting and important constitutional issues were evaded by the Court in the 1960 term. One was the issue of whether a man coerced by law to join and pay dues to an association can object if his money is used to further political purposes uncongenial to him. In a federal case, the Railway Labor Act as amended was interpreted to forbid a union so to spend a member's money;[79] in a state case involving a bar association, a plurality of four believed that the record did not present the facts "as leanly and as sharply" as they should be in order to justify decision of the constitutional question.[80]

The other issue was birth control.[81] The Connecticut statute in question forbids the *use* (not the sale) of contraceptives and makes possible the punishment of those who counsel such use (*e.g.*, physicians). Plaintiffs had assailed the law under a state declaratory judgment act. But the fact seemed to be that the law was not currently being enforced, and until it is, said the Court, the constitutional issues are not ripe for our consideration. The plaintiffs' supposed fear of prosecution was deemed chimerical in light of the non-enforcement record.

There were dubious elements in the opinions supporting these evasive results: the federal statute had to be tortured cruelly to produce *Street;* five justices thought the constitutional issue was properly before them in *Lathrop,* so the curious result is that the evasion was supported by only a minority of the Court; the grounds for dismissal in the birth control case were somewhat novel and very debatable, as Justice Harlan's dissent shows. But it is not surprising if the judges began to feel by this time (they were End of Term decisions) that enough was enough. There may be such a thing as domestic economy, even within a Supreme Court, and the 1960 term had already produced enough significant civil liberty decisions to overfill any reasonable quota. The questions of dues and politics and birth control will no doubt be back again, and in short order. Meanwhile, they remain open, and these decisions could not be recorded either *pro* or *con* in a charting of the Court's record in the field of constitutional rights.

Finally, in two significant cases with constitutional undertones the Court construed federal law so as to protect individual rights.

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[76] Baker v. Carr, 364 U. S. 898 (1960), prob. juris. noted.

[77] Cafeteria Workers v. McElroy, 376 U. S. 886 (1961).

[78] Greene v. McElroy, 360 U. S. 474 (1959).

[79] International Association of Machinists v. Street, 367 U. S. 740 (1961).

[80] Lathrop v. Donohue, 367 U. S. 820 (1961).

[81] Poe v. Ullman, 376 U. S. 497 (1961).

Monroe v. *Pape*[82] held that the 1875 Civil Rights Act provides a civil remedy for those deprived of federal rights by state officers, even though the officers have violated state law. The solid majority reconfirmed the *Classic*[83] and *Screws*[84] doctrine that "misuse of power . . . made possible because the wrongdoer is clothed with the authority of state law, is action taken 'under color of' state law" in the meaning of the statute. In short, state police who violate Fourteenth Amendment rights can now be sued in federal court by the injured party, who need not, by the way, carry the heavy burden of proving a willful deprivation of constitutional rights. In the other case the Court held that railroad publicity programs designed to influence legislation could not be made a basis for suit under the Sherman Act, even though the legislation sought was economically advantageous to the railroads and injurious to their trucker competitors, and even though "reprehensible" and "deceptive" publicity techniques were employed.[85] A contrary construction would "raise important constitutional questions" involving the right of petition.

VIII

This then was the 1960–61 civil rights record of the Supreme Court—or enough of it to permit evaluation. A few words of summary may sharpen the picture. In the cases involving the "communist menace"—real or imaginary—the Court, with minor exceptions, held against the individual and in favor of governmental power. This spirit of judicial permissiveness was most striking in the field of legislative investigations: it seems obvious that such inquisitions into this subject are now immune from any very meaningful substantive restraints. And pretty much the same statement can be made about government-imposed qualifications for professional practice at least as applied to "a limited class of persons" in positions of public responsibility. With respect to punishment for Party membership and the registration requirements of the McCarran Act, the Court's attitude was a little more ambiguous. Old, mildly restrictive interpretations of the Smith Act were adhered to, and the government was put to a rigorous standard of proof in enforcing the membership clause; the Fifth Amendment may still be available as an individual defense against the order to register, even though its value may be somewhat attenuated by the time the issue is finally faced. But there is no doubt that a determined government can make things warm for Communists and suspected Communists if it has the time and energy to spare, and that the plea of "security risk" carries great weight in the judicial mind.

Apart from these political offender cases, the most noteworthy anti-libertarian development of the term was the apparent ratification of administrative movie censorship in *Times Film.* But then the impression of the term begins to change. The Sunday law decisions defy classification, but surely little evidence can be wrung from them that the Court has flagged in its concern for religious freedom. The decisions involving dues and politics and birth control were indecisive. On the other hand, the signs of forward movement in the field of criminal procedure and Negro rights seem unmistakable. In the former area the *Mapp* decision stands out like a beacon, perhaps even portending a general erosion of the scruples about federalism that have heretofore retarded movement of this kind. But the pattern of other less spectacular cases reveals a similarly "progressive" trend. And the Negro rights cases also suggest a tendency to mark out new frontiers, not so dramatic as those of 1954, but salient nonetheless.

What kind of a term was it? Was it a "libertarian term," or did its results justify the dark misgivings of Justices Black and Douglas, quoted above? The answer will depend, broadly, on how one weighs the pro-government spirit of the political offender cases and *Times Film* against the pro-individual record in the criminal procedure and racial equality decisions. But even conceding such subjective variations in outlook, it is hard to see how it could be contended that this was, in balance, a retrogressive term. It must be remembered that a few short years ago such matters as legislative investigations, public employment standards, and movie censorship seemed arguably immune from all constitutional restraints. The doctrines correcting these misapprehensions are still in relative infancy. One may wish that the Court would push them toward adulthood a little faster, but this is a quite different thing from charging that they are old and seasoned constitutional traditions, now dead by the Court's hand. In fact, they are neither old nor dead. And a similar point can be made about *Scales*. The present Court is far more scrupulous about requiring personal knowledge and intent than its predecessor was in *Whitney* v. *California*.[86] True, it has refused to throw out guilt by association altogether, but it never said that it would. True, it has refused to invalidate the Smith Act, but neither, as has already been remarked, has any previous Court overthrown a national sedition law; and at least this Court has construed the law so as to retain some measure of sense and justice.

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[82] 365 U. S. 167 (1961).

[83] United States v. Classic, 313 U. S. 299 (1941).

[84] Screws v. United States, 325 U. S. 91 (1945).

[85] Eastern Railroad Presidents Conference v. Noerr Motor Freight, 365 U. S. 127 (1961).

The truth is that most of these cases represent refusals to advance, not retreats. They may be no less regrettable for that, but it is well to know what we are talking about. In recent years Justices Black and Douglas seem to have themselves developed a libertarian position that is more uncompromising than some of their earlier opinions would suggest.[87] This may create an illusion, even in their own minds, that the majority has retrogressed, but an illusion it is. It is they who have moved "forward," not the Court that has moved "back."

By and large the Court's propensity in the last decade—as exemplified by the 1960 term—has been to extend the concept of civil rights fairly steadily in certain selected but vital fields, to stand relatively still in certain others (notably those involving the security issue) and to retreat, if that is the word, only in the sense that such implied half-promises as those in *Watkins* are unredeemed. By common sense reckoning, this pattern of large pluses and small minuses would seem to yield a substantial gain for civil liberties.

Is this, to pose the result-oriented question, "enough" for the Court to do? Or is it failing the nation in the hour of need? The question is slippery and incurably non-objective, but it is the kind that is hard to avoid in discussing political institutions. And surely even the beginning of any answer must center around some preliminary assumptions about the range of judicial capacity. No one would contend that the Court can correct all the errors, big and small, that a great, dynamic democracy commits. The stock of prestige that supports judicial review is substantial but not inexhaustible. That stock has been drawn on heavily in recent years, as the 1958 counter-attack attested. Probably it is going to be further taxed as the judges continue to press forward ideals like racial equality and fair treatment of the accused, to name only two. There is no known perpetual inventory system that infallibly warns us when the limit has been approached. All that can be offered here is one observer's judgment that (to drop the metaphor) the Court of the 1960 term did or seemed in the process of doing about as much on behalf of civil rights as we can reasonably expect nine men to do.

IX

When we turn from the "result-oriented" to the "reason-oriented" line of evaluation, the spectacle is a little different. To be sure, the matter must again be viewed relatively. We cannot demand that a living institution, dealing with living problems, achieve perfect logical symmetry, for logic overdone can stultify all it touches. Nor is it clear that Courts of the past have followed the ideal of reasoned decision more than has the present one. What of the opinions of the 1920's and early 1930's for example, those that T. R. Powell used to dissect so mercilessly? What of such masterpieces of inner contradiction as *Munn* v. *Illinois*[88] or *Hurtado* v. *California*?[89]

Yet admitting all this, and admitting further that the modern Court faces riddles of unexampled complexity, it still seems fair to wish that more progress could be made in ordering and solving them. And it must be ruefully said that very little such progress marked the 1960 term. The balancing test begins to seem more and more a "fiction intended to beautify what is disagreeable to the sufferers,"[90] at least in subversion cases. The opinions in *Times Film* and *Burton* leave the reader in grave doubt as to what was decided, and why. The conclusion of *Mapp* v. *Ohio* is fairly plain, but the route to that conclusion is murky.

However, as has already been intimated, the main complaint on this score is a more general one—that the Court is not confronting the task of intellectual architecture that is posed by its modern jurisdictional claims in the field of civil rights. In 1951, Mr. Justice Jackson remarked that the Court's prior decisions

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[86] 274 U. S. 357 (1927).

[87] Both of them seem to have taken leave of the clear and present danger doctrine at one end, while the majority was taking leave of it at another. Both had invoked it in earlier cases [Bridges v. California, 314 U. S. 252 (1941); Craig v. Harney, 331 U. S. 367 (1947)], though Justice Black had declared in the former case that it was only a "minimum compulsion," which left the way open for him to begin applying a more absolutist standard with Breard v. Alexandria, 341 U. S. 622 (1951).

[88] 94 U. S. 113 (1877).

[89] 110 U. S. 516 (1884).

[90] Tyson Bros. v. Banton, 273 U. S. 418, 446 (1927).

"will be searched in vain for clear standards"[91] governing civil liberties questions. The remonstrance seems just about equally valid ten years later, though it covers an even wider ground, for since then the Court has in important respects extended its power to supervise. The state action problem, the problem of censorship, occupational freedom, legislative inquisitions, the general right of the government to inform itself and ventilate facts, the right against self-incrimination, the problem of scientific eavesdropping and of other unreasonable searches, the limits of statutory flexibility, racial discrimination in the determination of voting units—all these and many more were within the judicial ambit in the 1960 term. Future terms may see new departures bearing on such matters as legislative apportionment and the right to counsel in state courts. These problems are not discrete; the resolution of one touches most of the others. To quote Justice Frankfurter (speaking ten years ago), "there are now so many of these decisions, arrived at by the *ad hoc* process of adjudication, that it is desirable to make a cruise of the timber."[92]

Why has the Court as a whole never taken that cruise? Why has it done so little to develop a reasoned, connected set of doctrines in the field of civil rights? Partly no doubt because this is easier said than done—it is one thing to call for reasoned principles and quite another thing to devise them. But though this might account for some inadequacy in doctrinal structure, it does not fully explain the failure to develop any such structure at all.

That failure seems to be caused by a certain fragmenting and hardening of attitudes that characterize the modern Court, making it impossible to achieve a consensus of reason even when an agreement on result does exist. Even with respect to results the Court has been of course far from unanimous, but the steady expansion of civil rights jurisdiction attests that a majority united by this common concern can frequently be assembled. But the dissensus as to the reasons for the holdings is far more stubborn. As the pattern of concurrences and dissents shows, there is a tendency for such pairs as Warren-Brennan, Frankfurter-Harlan and Clark-Whittaker to produce separate reasons for the positions they take. But the dissensus goes farther than that. Doctrinal idiosyncracies often require individual statement. Justice Black's special ideas about the absolutism of the First Amendment, and his equally special ideas about search and seizure, produce personal reasoning in such cases as *Noto* and *Mapp*. Justice Clark seems to worry more about procedural regularity in state courts than in federal, while Justice Frankfurter feels quite the other way. Justice Douglas felt called on to speak separately in cases like *Lathrop* and *Scales*.

What has happened is that certain members have frozen into attitudes unacceptable to most of their brethren and they are hence unable to join in a reasoned statement of doctrine. They can perhaps agree *a fortiori* with results, as Justice Douglas does in *Gomillion* or Justice Frankfurter does in *Irvin*, but their reasoning fails to persuade a majority and sometimes persuades only themselves. The justice who seems most nearly free from this quality of dogmatic separatism is Stewart, the swing man in these cases. Justices Black and Douglas have taken a view toward many of these issues that appears irreconcilable with the view of any possible majority. Justices Frankfurter and Harlan can sometimes attract four others to their reasoning, but solid doctrine is hard to build on 5-4 decisions. Justices Warren and Brennan show some tendency to seek a middle ground; they seem more flexible than Black and Douglas at any rate. But they too can seldom carry a solid majority for their opinions in disputed cases.

This multiple stalemate has an incidental effect that is worth noting: it diminishes the contribution to constitutional law of those best qualified by experience and ability to make such a contribution. In the cases discussed above, Justice Black wrote the majority opinion in only three, two of them easy decisions exciting no serious question. Justice Douglas wrote only one. Justice Frankfurter wrote his share—five—but it cannot be said that any of them, except perhaps *Gomillion*, stated new and viable doctrine. How much more impressive and convincing *Mapp* and *Cafeteria Workers* v. *McElroy* could have been, for example, if these men had not been precluded, for one reason or another, from framing the Court opinions.

But the main point is that these conflicting dogmatisms have, for a long time, impeded the growth of doctrine in general. Worse, there are signs that the divisions have further crystallized with age. There seems small chance that they will soften enough, given existing personnel, to permit the development of a system of reasoned criteria in the civil rights field.

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[91] Kunz v. New York, 340 U. S. 290, 299 (1951).

[92] Niemotko v. Maryland, 340 U. S. 268, 276 (1951).

This circumstance is profoundly relevant to the question of future appointments to the supreme bench. There may have been times in history when a loyal henchman or a good journeyman would be appropriate enough, but that time is not now. The Court's present need is for a man (or men) with the master craftsman's intellectual capacity to weave the disparate strands of civil rights doctrine into a coherent tapestry, and a spirit of moderation that can marshal assent among those who are open to persuasion. It is an exacting set of requirements. But the plea for reasoned doctrine is not likely to be answered until it is filled.

APPENDIX

TABLE OF CASES

Case	Result	Opinion for court	Concurrence	Dissent
Boynton v. Va.	+	Bl		Wh, C
Braden v. U. S.	−	S		Bl, Wa, D; D, Wa, Bl, Br
Braunfeld v. Brown	−	Wa, C, Bl, Wh	F, H	D; S[1]; Br[1]
Burton v. Wilmington	+	C	S	H, Wh; F
Cafeteria Workers v. McElroy	−	S		Br, Wa, Bl, D
Callanan v. U. S.	−	F		S, Wa, Bl, D
Communist Party v. Catherwood	+	H	Bl	
Communist Party v. Subversive Activities Control Board	−	F		Wa; Bl; D; Br, Wa
Deutch v. U. S.	+	S		H, F; Wh, C
Eastern Railroad Presidents Conf. v. Noerr Motor Freight	+	Bl		
Gallagher v. Crown Kosher Super Market	−	Wa, Bl, C, Wh	F, H	D; Br, S
Gomillion v. Lightfoot	+	F	Wh; D	
Gori v. U. S.	−	F		D, Wa, Bl, Br
In Re Anastaplo	−	H		Bl, Wa, D, Br; Br, Wa
Int'l. Assoc. of Machinists v. Street	+	Br	D; Wh	Bl; F, H; Wh[1]
Irvin v. Dowd	+	C	F	
Konigsberg v. State Bar	−	H		Bl, Wa, D; Br, Wa
Lathrop v. Donohue	−	Br, Wa, C, S	H, F; Wh	Bl; D
McGowan v. Md.	−	Wa	F, H	D
McNeal v. Culver	+	Wh	D, Br	
Mapp v. Ohio	+	C	Bl; D; S	H, F, Wh
Monroe v. Pape	+	D	H, S	F[1]
Noto v. U. S.	+	H	Br, Wa; Bl	
Poe v. Ullman	−	F, Wa, C, Wh	Br	Bl; D, S; S; H, S
Pugach v. Dollinger	−	per curiam	Br	D, Wa
Scales v. U. S.	−	H		Bl; D; Br, Wa, D
Shelton v. Tucker	+	S		F, C, H, Wh; H, F, C, Wh
Silverman v. U. S.	+	S	D; C, Wh	
Smith v. Bennett	+	C		
Times Film Corp. v. Chicago	−	C		Wa, Bl, D, Br; D, Wa, Bl
Torcaso v. Watkins	+	Bl	F, H	
Two Guys From Harrison-Allentown v. McGinley	−	Wa	F, H	D
Uphaus v. Wyman	−	per curiam	Br	D, Wa, Bl; Bl, Wa, D
Wilkinson v. U. S.	−	S		Bl, Wa, D; D, Wa, Bl; Br, D
Wilson v. Schnettler	−	Wh	S	D, Wa, Br

KEY: I have arbitrarily assigned a + when the individual, for whatever reason, won his plea against governmental restriction. Bl, Wa, D = Black wrote opinion in which Warren and Douglas joined. H, Wh; F = Harlan wrote opinion joined by Whittaker; Frankfurter dissented separately.

[1] Concurring in part and dissenting in part.

THE 1960 TERM OF THE SUPREME COURT: A PSYCHOLOGICAL ANALYSIS*

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Much recent research in the decision-making of the United States Supreme Court has been characterized by a pronounced emphasis upon the invocation of socio-psychological theory[1] and statistical methods of data processing[2] in lieu of exclusive reliance upon the legal-historical theory and methods typical of most research in this field of study. Symbolic of this development is the increasing tendency of political scientists to consider constitutional law as an aspect of political behavior as well as a branch of law, and correspondingly, to study the subject matter as judicial behavior. Naturally, this recent work has evinced a preoccupation with unidimensional analysis, since it is less complicated to work with one variable than with many, and the experience so gained no doubt is a prerequisite to multivariate study. Nevertheless, students who remain committed to the more traditional workways in constitutional law are quite right in insisting, as they do, that most Supreme Court cases raise what at least appear *prima facie* to be many issues for decision, and that their more subjective and impressionistic mode of analysis retains the great virtue of not oversimplifying the rich complexity of many Supreme Court cases to the extent that inescapably seems to be required by the newer theories and methods. Clearly, further advances in the behavioral study of Supreme Court decision-making depend upon the development of multidimensional models of Court action, which will make possible the observation and measurement of interrelationships among the significant major variables that in combination provide the basis for an adequate explanation of the manifest differences in the voting and opinion behavior of the justices.

The purpose of this article is to describe one such multidimensional model of the Court, and to explain its theory and application to the empirical data of the most recent session of the United States Supreme Court, which terminated only a month prior to the time when this was written. Substantively, the purpose is to demonstrate that the psychological approach to be proposed leads to more significant, more comprehensible, and more valid insights into the political behavior of the Supreme Court than seem to be provided by the case-by-case approach—an approach that attempts to realize the same ends by the quite different means of a series of *précis* upon what are inevitably (since there must be some space limitations in professional journals) a fraction of the hundred-odd cases that the Court decides nonunanimously on the merits each term. The specific hypothesis to be tested is that most of the *variance* in the voting behavior of the justices can be accounted for by the differences in their individual attitudes toward a small number of fundamental issues of public policy. These public policy issues constitute the variables of this study.

I. A BRIEF DESCRIPTION OF THE MODEL

Since both a general statement of the theory[3]

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[1] Harold J. Spaeth, "An Approach to the Study of Attitudinal Differences as an Aspect of Judicial Behavior," *Midwest Journal of Political Science*, Vol. 5 (May, 1961), pp. 165–180; S. Sidney Ulmer, "Scaling Judicial Cases: A Methodological Note," *American Behavioral Scientist*, Vol. 4 (April, 1961), pp. 31–34, and also his "Homeostatic Tendencies in the United States Supreme Court," in Ulmer (ed.), *Introductory Readings in Political Behavior* (Chicago: Rand McNally, 1961), pp. 167–188.

[2] Franklin M. Fisher, "On the Existence and Linearity of Perfect Predictors in 'Content Analysis'," *Modern Uses of Logic in Law*, Vol. 1 (March, 1960), pp. 1–9; Fred Kort, "The Quantitative Content Analysis of Judicial Opinions," *American Behavioral Scientist*, Vol. 3 (March, 1960), pp. 11–14; Stuart Nagel, "Using Simple Calculations to Predict Judicial Decisions," *id.*, Vol. 4 (December, 1960), pp. 24–28; Joseph Tanenhaus, "Supreme Court Attitudes toward Federal Administrative Agencies," *Journal of Politics*, Vol. 22 (August, 1960), pp. 502–524.

[3] Schubert, "Psychometric Research in Judicial Behavior," *Modern Uses of Logic in Law*, Vol. 2 (March, 1962), and "A Psychometric Model of the Supreme Court," *American Behavioral Scientist*, Vol. 5 (November, 1961), pp. 14–18.

and a technical description of the method[4] have been published elsewhere, only the essentials needed for comprehension of the substantive findings will be presented here. In accordance with modern psychometric theory,[5] which generalizes the basic stimulus-response point relationship, Supreme Court cases are treated as raw psychological data which embody the choices of the individual justices among a variety of stimuli. Each case before the Court for decision is conceptualized as being represented by a stimulus (*j*) point, which is located somewhere in a psychological space of the relevant dimensions, depending upon the number and intensity of issues that it raises. The combination of the attitudes of each justice toward these same issues also may be represented by an ideal (*i*) point, located in the same psychological space. In each decision of the Court, what is observed is the relationship between the *i*-point of each justice and the *j*-point for the case. The relationship that is measured is one of dominance; that is, whether the position of the *i*-point in the dimensions that define the space equals or exceeds, or is less than, the position of the *j*-point in these dimensions. Technically, an individual-compensatory composition model[6] is assumed: for an *i*-point to dominate a *j*-point, it is not essential that the individual equal or exceed the stimulus on *all* of the relevant dimensions, since an individual may (in appropriate instances) be able to compensate for his deficiency on one (or more) dimensions by an excess on other dimensions. To take a specific example, let us assume a simple two-dimensional space, where the relevant dimensions are judicial attitudes toward "civilian control over the military" and "*stare decisis*." A justice like Clark, whose attitude toward the civilian control variable was relatively negative or unsympathetic, might nevertheless be induced to vote in support of this value in a particular decision, because his relatively positive attitude toward *stare decisis* might lead him to follow a recent precedent, even though he had disagreed with the decision establishing it. Thus, his deficiency (in relationship to the degree of support for civil liberties demanded by the later case) might be compensated for by his strongly pro-*stare decisis* views. Conversely, a justice like Frankfurter, whose attitude toward civilian control was more positive than Clark's, might nevertheless vote against this value because of his slight regard for the value of *stare decisis*.[7]

Next let us consider the conjoint relationship between the *i*-points of all nine justices, assuming full participation in the decision, and a particular *j*-point. Obviously, how the case will be decided will depend upon whether a majority or a minority of the *i*-points dominate the *j*-point. If a majority of *i*-points dominate, then the value or values raised by the case will be upheld or supported by the decision "of the Court"; and if, to the contrary, the *j*-point dominates a majority of the *i*-points, then the value or values raised by the case will be rejected—"the Court" will refuse to support them. To take a concrete example, let us assume the general value "civil liberty," and the specific question whether "the Fourteenth Amendment requires" the Supreme Court to reverse a state court conviction of a criminal defendant, based in part upon evidence procured as the result of an unreasonable search or seizure. According to the theory proposed, it would be assumed that the *i*-points of no more than three justices dominated the *j*-point representing this issue at the time of the decision in *Wolf* v. *Colorado*,[8] and that no more than four did so throughout the following decade. As a consequence of Stewart's appointment and of Black's explicitly avowed shift in attitude toward this issue, a majority of *i*-points did dominate when the issue arose once again for disposition in a decision announced on the closing decision day of the 1960 Term; and consequently, *Wolf* v. *Colorado* was overruled.[9] Actually, the voting division in *Mapp* v. *Ohio* was 6–3, with Clark both supplying the extra favorable vote and writing the opinion of the Court; Clark's position should have occasioned no surprise, however, because it was in precise accord with the intention that he had announced seven years earlier.[10] Clark considered himself bound by the *Wolf* precedent unless and until a majority could be formed that would agree to overrule that decision—an event that was forestalled for several more years, apparently, by Black's idiosyncratic blind-spot for the Fourth Amendment.

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[4] Schubert, "A Solution to the Indeterminate Factorial Resolution of Thurstone and Degan's Study of the Supreme Court," *Behavioral Science*, Vol. 7 (Forthcoming, 1962).

[5] Clyde H. Coombs and Richard C. Kao, "On a Connection between Factor Analysis and Multidimensional Unfolding," *Psychometrika*, Vol. 25 (September, 1960), pp. 219–231; J. P. Guilford, "Factorial Angles to Psychology," *Psychological Review*, Vol. 68 (January, 1961), pp. 1–20; and especially Coombs, *A Theory of Data* (forthcoming), chs. 1, 11, and 12.

[6] Warren S. Torgerson, *Theory and Methods of Scaling* (New York: Wiley, 1958), pp. 352–359; Coombs, *op cit.*, ch. 12.

[7] See *Kinsella* v. *Singleton*, 361 U. S. 234; *Grisham* v. *Hagan*, 361 U. S. 278; *McElroy* v. *Guagliardo*, and *Wilson* v. *Bohlender*, 361 U. S. 281; all decided January 18, 1960. *Cf.* Schubert, "Attitudes towards Civilian Control and *Stare Decisis* in the Warren Court," in Schubert (ed.), *Judicial Decision-Making*, Vol. IV in the series of International Yearbooks in Political Behavior Research (New York: The Free Press of Glencoe, Forthcoming, 1962).

[8] 338 U. S. 25 (1949).

[9] *Mapp v. Ohio*, 367 U. S. 643 (June 19, 1961).

We can now consider an operational definition of the Court's decision-making. In one dimension, the voting division of the Court is precisely determined by the intersection of the *j*-point with a line along which are arrayed the *i*-points of the justices. (This definition, it should be noted, is the one which applies for cumulative [or Guttman] scaling of Supreme Court cases.) In two dimensions, a decision is determined by the line orthogonal to the *j*-point vector; all justices whose *i*-points fall on the orthogonal line, or beyond it (in the positive direction of the variable) will vote in support of the value, and the remaining justices whose *i*-points lie on the negative side of the line will vote to reject it; while unanimous decisions occur, of course, when all *i*-points lie on, or on the positive side of, the orthogonal line, or else all *i*-points lie on the negative side of this line. In three dimensions, the decision is determined by the plane which intersects the space orthogonally to the *j*-point vector; and more generally, in *r*-dimensions by a hyperplane of $r-1$ dimensionality which intersects the *r*-dimensional space in a similar manner.

Thus, we conceive of both *i*-points representing the composite attitudes of individual justices, and *j*-points, representing the composite issues raised by individual cases, as sets of vectors terminating in points, each with a unique position in the same psychological space. Hereinafter we shall assume that this space is three-dimensional, since we shall work in three-space in the empirical application which follows. Cases in a set which raises questions of differing degrees of valuation about the same variable (*e.g.*, sympathy for the constitutional claims of the right to counsel in state criminal trials) are located at various points in the space, but in an approximately linear relationship to each other; thus, each such point may be conceived of as lying upon or near a scale axis, representing the sub-variable, which transects the space. Through the centroid of a set of scale axes, representing a set of civil liberties sub-variables, would pass an axis representing a broadly defined heterogeneous major variable (such as "all civil liberties" issues for a given term); and this scale axis would follow the trace of the mean of the projections from all of the relevant *j*-points. But the *i*-points also project upon any scale axis; and therefore, a one-dimensional solution for the Court's decision-making function may be achieved by measuring the relationship between the projections from *j*-points and from *i*-points upon a scale axis representing any variable that is of interest. This, in effect, is precisely what is happening, in theory, when an analyst constructs a cumulative scale of a set of decisions that are postulated as pertaining to a single dominant variable, and positions the scale as an axis in the space. It is apparent that if the model is adapted for analysis invoking this particular definition of the decision-making function, as we shall do in the discussion which follows, the Court's decision-making is still being measured in unidimensional terms. But the model itself is multidimensional and, as we shall demonstrate, makes possible measurement of the interrelationship among several variables within a common frame of reference; and moreover, there is every reason to suppose that further research, and subsequent work with the model, will lead to the development of mathematical refinements corresponding to the multidimensional conceptions of the decision-making function given in the operational definition above.

In order to utilize the model that has been described, what we require are procedures to locate both *i*-points and *j*-points in three-dimensional space, and to measure the dominance relationship for any dyad, with each dyad consisting of a *j*-point and an *i*-point. Factor analysis affords a readily available technique for locating the set of *i*-points for a given set of decisions, such as a term of the Court, in a fixed spatial configuration. But the raw data come in a form that preclude the use of factor analysis, at least in the same manner, in order to locate the *j*-points. The reason for this is that, in a typical recent term, the Court divides in about a hundred decisions on the merits. Consequently it is possible to make a relatively large number of observations—about 100—of the location of a relatively small number of *i*-points—never more than 9. But more than 9 observations of the location of any specific *j*-point are never possible, because there are never more than 9 votes recorded in a single case. One hundred observations are ample to locate the *i*-points, by factor analytic techniques, with considerable precision; but nine observations are far too few to permit the same thing to be done for j-points. As we shall exemplify presently, factor analysis is essentially a statistical method for breaking down a correlation matrix into its principal component elements; and it can never be more reliable than the matrix upon which it feeds. No single Supreme Court decision contains enough votes to allow the computation of reliable correlation coefficients. If we had a hundred justices participating in the decision of each of, say, a dozen cases in the typical term, factor analysis could serve very well to locate a configuration of j-points, but it would then be incapable of locating the i-points. If there were a hundred justices participating in the decision of a hundred or more cases in each term, factor analysis could be used to locate both types of points with what ought to be good precision. This implies that the model here described may very well find application for study of the attitudes of United States Senators or for state legislators, as well as for other smaller decision-making groups like the Supreme Court.

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[10] Concurring opinion in *Irvine* v. *California*, 347 U. S. 128, 138–139 (1954).

Although it is not possible to locate j-points in the space as precisely as i-points, at least by factor analysis, it is possible to locate *sets* of j-points in the same space with the i-points. This is done by cumulative scaling of sets of cases. Each cumulative scale measures the one-dimensional alignment of the attitudes of the justices towards a single variable. If most of the Court's decisions can be associated with a set of cumulative scales, and if the set of scales can be passed through the space as axes in such a way that the projections from the i-points on the scale axes are consistent with the alignments of the justices on the cumulative scales, then it will be assumed that the scale axes are indeed the counterparts of their analogue cumulative scales; and that the variance in the voting behavior of the justices is adequately accounted for by the manifest differences in the attitudes of the justices towards the cumulative scale variables. The procedure for fitting scales in the factor space will be explained in greater detail in connection with specific empirical data, in a later section of this article.

II. THE UNIVERSE OF RAW DATA

The sample of decisions to be analyzed consists of all cases in which the Supreme Court divided on the merits during the period of the 1960 Term, which extended from October 10, 1960 through June 19, 1961. Both formal and *per curiam* decisions accordingly are included, but unanimous and jurisdictional decisions were excluded. As Table I indicates, almost three-fourths of the Court's formal decisions were reached over the disagreement of one or more justices, while this was true of less than one-fourth of the *per curiam* decisions. These results were in line with previous experience. It has not been unusual either, in recent years, for the justices to disagree in a majority of their decisions on the merits, as they did during the 1960 Term. The average annual number of split dicisions over the past fifteen terms was 97, and the average number of unanimous decisions on the merits was 79; in this respect, the 1960 Term was quite typical.

TABLE I. SUMMARY OF DECISIONS ON THE MERITS, 1960 TERM

Decision	Formal	Per curiam	Totals
Split	87	12	99
Unanimous	34	41	75
Totals	121	53	174

For purposes of this study, each *case*, to which the Court had assigned a unique docket number and for which the Court had made a disposition on the merits, was a unit for voting analysis. As a unit of content, the docketed case offers the advantages of being specifically and uniquely identifiable, and of providing what with very rare exceptions is an unambiguous basis for voting attribution which can readily be replicated by other analysts. (Those familiar with earlier studies of judicial voting behavior will recognize that some scholars have worked with less explicit units of measurement, such as the "opinion of the Court" or the "decision" of the Court.) There are also disadvantages to the use of the case as a unit, but none relevant to the empirical data with which we presently are concerned.

For each case, one set of nine votes was counted. In each of eleven cases, one justice did not participate in the decision on the merits; and in one other, two justices did not. There were also two Federal Employers' Liability Act evidentiary cases and one Jones Act case in which Frankfurter, according to his custom,[11] persisted in jurisdictional dissent at the time when his colleagues voted on the merits; these three jurisdictional dissents were classified as non-participations, for purposes of the present analysis. Eight votes could not be specified, in one case in which the Court divided equally, without opinion. After these non-participations and unspecifiable votes were deducted, a total of 867 votes remained; they constituted the basis for the factor analysis and the cumulative scaling.

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[11] See Schubert, "Policy without Law: An Extension of the Certiorari Game," *Stanford Law Review*, Vol. 14 [(March, 1962), pp. 284–327].

III. THE FACTOR ANALYSIS

Computation of the Correlation Matrix. The initial task in any factor analysis is the construction of a correlation matrix. In the present study, the correlation matrix was based upon a set of four-fold tables which, in turn, were constructed directly from the 867 votes just described. These votes were tabulated to show the totals of agreement and disagreement with the majority, in the decision of each case, for every pair of justices. For any such pair, each case holds five possibilities: (1) both may agree in the majority; (2) both may agree in dissent; (3) the first member of the pair may vote with the majority, while the second dissents; (4) the second member of the pair may vote with the majority, while the first dissents; or (5) either or both members may fail to participate, in which event there is no score for the pair for that case. In the tabulation of votes for the factor analysis, no attention is paid to the substantive variables to which the decisions relate; the sole criterion for the attribution of votes in each case is agreement or disagreement with the majority.

It is most convenient to arrange the summary tabulation of agreement-disagreement, for each judicial dyad, in the form of a four-fold table such as Table II. The table shows that Black and Douglas dissented together 29 times; this dis/dis (−/−) cell is the one that contains the kind of information utilized in some earlier studies[12] of "dissenting blocs" of the Court. Similarly, Black and Douglas agreed in 70 of these 98 sets of votes; this is the sum of the major or positive diagonal (*i.e.*, the +/+ and the −/− cells), and this is the kind of information that was the basis for the "inter-agreement" bloc analysis of the studies just cited. The weakness of these earlier approaches was that, by concentrating upon the *agreement* between pairs of justices, the analysts ignored what is at least an equally important aspect of judicial voting behavior, *i.e.*, the *ways in which justices disagree.* Table II, for instance, shows that not only did Douglas and Black disagree in over a fourth of these decisions, they tended to disagree in a particular way. In over 80 per cent of these instances of disagreement, it was Douglas who dissented while Black adhered to the majority. This finding certainly suggests that Douglas was more extreme in his dissenting behavior than Black (or, as we shall observe presently in Table III, than any other member of the Court during this term). Moreover, the correlation coefficients, which are computed from the four-fold tables, are very sensitive to how votes are partitioned between the two cells of a diagonal, as well as to differences between the diagonals.

In order to measure precisely the relationship among the four cells of a four-fold table, phi correlation coefficients are computed.[13] In

TABLE II. FOUR-FOLD TABLE OF AGREEMENT-DISAGREEMENT, DOUGLAS-BLACK, 1960 TERM*

		Black		Totals
		+	−	
Douglas	+	41	5	46
	−	23	29	52
Totals		64	34	98

* The total of joint votes counted for this dyad is 98 rather than 99, although both Black and Douglas participated in all split decisions on the merits during this term, because of the lack of any objective basis for identifying the partition of the votes in the one case, already noted, in which the Court divided equally.

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[12] C. Herman Pritchett, *The Roosevelt Court: A Study in Judicial Politics and Values, 1937–1947* (New York, 1948); Schubert, *Quantitative Analysis of Judicial Behavior* (Glencoe, 1959).

[13] The phi coefficient is an approximation of the Pearsonian *r* correlation coefficient, and is appropriate to use when, as here, the two distributions to be correlated reflect a genuine dichotomy. The phi coefficient is relatively simple to compute: it is the ratio of the difference of the cross-products of the diagonals of a four-fold table, to the square root of the product of the marginals. For the data of Table II,

$$
\begin{aligned}
r_\phi &= \frac{(41\cdot 29) - (23\cdot 5)}{[(46)\cdot(52)\cdot(64)\cdot(34)]^{1/2}} \\
(1)\qquad &= \frac{1189 - 115}{(5204992)^{1/2}} \\
&= +\frac{1074}{2281.445} = +.471.
\end{aligned}
$$

Evidently, the sign of the coefficient depends upon which diagonal cross-product is the larger; or, in other words, upon whether or not a pair of justices agree more often than they disagree, and *also* upon whether they agree both in assent and in dissent, *i.e.*, whether their disagreement is divided the correlation matrix shown in Table III, phi ranges from +.745 (for Harlan and Frankfurter) to −.602 (for Douglas and Harlan). Harlan, therefore, was the most extreme justice in the range of his agreement and disagreement; and he voted most frequently the same as Frankfurter, and least often in agreement with Douglas.

Since there are nine justices on the Court, there are four-fold tables and correlation coefficients for each of thirty-six dyads.[14] For purposes of this study, all data were placed on punch cards, and both the computation of phi coefficients and the factor analysis were programmed for computer analysis.[15] Since both matrices are symmetrical, and in order to conserve space, Table III presents the four-fold tables above the major diagonal, and the correlation coefficients below.

Before turning to the results of the factor analysis of the correlation matrix, some interesting findings may be observed from a mere inspection of Table III. The most obvious is the sharp demarcation of the justices into what appear to be two opposing blocs. Douglas, Black, Warren, and Brennan all correlate positively with each other, and negatively with the five remaining justices. With the exception of Stewart's marginally negative correlation with Clark, these remaining five justices—Frankfurter, Harlan, Whittaker, Clark, and Stewart —all correlate positively with each other, and negatively with the first group. Stewart clearly was the most independent member of the Court in his voting behavior: his highest correlation with any other justice, in either direction, was less than .35; and his voting was almost perfectly independent, statistically, from what are are otherwise the most marginal members of each group, since his correlation was approximately −.03 with both Brennan and Clark. As the four-fold tables indicate, Black and Warren often dissented together, as did Frankfurter and Harlan also; but neither Black nor Warren ever joined either Frankfurter or Harlan in dissent. It is obvious that these two pairs of justices, and the respective groups with which each tended to associate, were in pretty sharp and basic disagreement over something; and unless we are prepared to accept the somewhat fatuous notion that they couldn't get together over the meaning or application of the principle of *stare decisis*, as some students of the Court seem to believe,[16] then it may not be implausible to entertain the hypothesis that these groups may have been in disagreement about the social, economic, and political values that the Court upholds in its decisions.

The Factor Loadings. The initial product of a factor analysis is a set of derived correlations (or "loadings," as they customarily are called) which purport to measure the extent to which each element, of whatever has been associated in the correlation matrix, is related to the components or dimensions into which the basic correlation matrix has been broken down. In the present study, the elements are the justices, and the factor loadings purport to express the correlation of each justice with the basic underlying dimensions of the phi matrix. Although it is technically possible to extract as many factors as there are elements intercorrelated in the phi matrix—nine, in the instant case—only six factors actually were computed, and of these, only three will be used for purposes of testing

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equally or disproportionately between the cells of the diagonals. The maximum range of the phi coefficient is from +1 to −1; but these limits rarely are attained empirically, since the maximum size of phi is a function of the distribution of the marginals, and can be ±1 only when all four marginal frequencies are equal. See Edward E. Cureton, "Note on $\phi/\phi_{\max}$," *Psychometrika*, Vol. 24 (March, 1959), pp. 89–91.

[14] When factor analysis is performed by hand use of a calculator instead of utilizing a computer program, it is necessary to arrange the correlation coefficients in the form of a square symmetrical matrix, with the major diagonal filled with the estimates of the highest communality for each justice. For the techniques of factor analysis the interested reader is referred to any of the several standard works on this subject, *e.g.*, Benjamin Fruchter, *Introduction to Factor Analysis* (Princeton: Van Nostrand, 1954); Raymond B. Cattell, *Factor Analysis: An Introduction and Manual for the Psychologist and Social Scientist* (New York: Harper, 1952); Louis L. Thurstone, *Multiple-Factor Analysis* (Chicago: University of Chicago Press, 1947).

[15] I am indebted to John P. Gilbert for developing a program for the computation of the phi coefficients, and also one for the computation of the factorial distances discussed in the final section of this paper. The computer program for the IBM 650 utilized was *Centroid Factor Analysis*, Ident, No. SU-4524, written by Jonathan E. Robbins (April, 1957), developed and tested by the Watson Scientific Computing Laboratory, Columbia University, and modified by Mr. Gilbert, Center for Advanced Study in the Behavioral Sciences, Stanford (multilithed).

[16] *E.g.*, Fred Kort in this REVIEW, Vol. 54 (December, 1960), p. 1000.

TABLE III. FOUR-FOLD TABLES AND PHI CORRELATION MATRIX, 1960 TERM

		D	Bl		Wa		Br		S		C		Wh		F		H	
			+	−	+	−	+	−	+	−	+	−	+	−	+	−	+	−
D	+		41	5	42	4	44	2	31	14	23	22	20	26	16	23	20	25
	−		23	29	31	21	33	19	43	6	51	1	45	7	47	3	50	1
Bl	+	.471			61	3	58	6	41	19	40	23	32	32	31	26	37	26
	−				12	22	19	15	33	1	34	0	33	1	32	0	33	0
Wa	+	.363	.655				69	4	51	18	50	22	41	32	39	26	45	26
	−						8	17	23	2	24	1	24	1	24	0	25	0
Br	+	.392	.403		.664				57	16	55	21	45	32	44	25	49	26
	−								17	4	19	2	20	1	19	1	21	0
S	+	−.230	−.337		−.195		−.029				56	18	52	22	51	15	56	17
	−										15	4	11	9	10	9	11	8
C	+	−.551	−.410		−.273		−.175		−.031				56	18	55	14	59	14
	−												9	14	8	11	11	12
Wh	+	−.455	−.474		−.367		−.319		.133		.331				51	12	53	11
	−														12	14	17	15
F	+	−.578	−.481		−.390		−.287		.228		.343		.348				58	5
	−																4	20
H		−.602	−.441		−.362		−.322		.171		.317		.315		.745			

the principal hypothesis. The reason for so limiting the number of factors is two-fold: (1) the residual matrix, representing the amount of variance unaccounted for by the first three factors, was very small, and less, indeed, than the estimated error variance; and (2) most readers of this REVIEW are accustomed to thinking in terms of three-dimensional space, and three factors can be given an Euclidean graphical representation which accords with the spatial intuitions, and therefore the comprehension, of most readers.

The usual procedure in factor analysis is to rotate the orthogonal factor axes, which are the direct product of a complete centroid routine, to oblique positions that are presumed to correspond to some criterion related to empirical reality, and thus to make possible a more meaningful psychological interpretation than would usually be possible if the orthogonal axes were retained.[17] The orthogonal axes have not been rotated in the present study, but for the reason that, contrary to the usual procedure, no reliance is placed upon the association of substantive meaning with the factors. Substantive meaning is associated, instead, with the scale axes which are passed through the space defined by the orthogonal factor axes; and thus the scale axes—which are oblique—perform the same function, for purposes of interpretation, that is usually accomplished by rotation of the orthogonal axes. The orthogonal axes are used, therefore, only as a set of reference axes to define the three-dimensional space in which the i-points of the justices and the j-points of the cases are located. And the factor loadings, shown in Table IV, function as Cartesian coordinates which locate the i-points of the justices in the factor space.

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[17] Perhaps it should be noted, for the benefit of readers not familiar with the method, that orthogonal axes are statistically independent, while oblique axes are correlated with each other; therefore, making a factor interpretation based directly upon a system of orthogonal axes implies an assumption that there is no relationship among the factors, which must be conceived to be independent of each other. Applied to the present data, this would involve the assumption that there was no relationship, at least in the minds of the justices, among the major issues of public policy toward which they responded in their voting.

Factor loadings can vary, in principle, from +1 to −1; in practice, their variance is bounded by the extremity of the correlation coefficients upon which they are based. It will be observed that, on the average, the highest loadings (both positive and negative) are on the first factor, and that the mean magnitude of the third factor loadings is smallest. This is inherent in the centroid routine, which assumes that the first factor, to which the largest portion of the variance is attributed, is the most important factor, and so on. The loadings on the first factor range from a high of approximately +.77, for Black, to a low of −.74, for Frankfurter. Evidently, the justices are partitioned on the first factor into the same two groups that were manifest in the phi matrix; but evidently also the groupings on the second and third factors are quite different. Mere inspection of the factor matrix of Table IV suggests that the multidimensional relationships among the justices are going to be somewhat different, and certainly more complex, than the simple bifurcation of a single dimension which will account for much, but not enough, of the variance in the voting behavior of the justices. For a fuller understanding than a single dimension—even when it is overwhelmingly the most important one—can afford, we must turn to an examination of relationships made possible by work with the three-dimensional factor space.

TABLE IV. FACTOR LOADINGS FOR JUDICIAL IDEAL-POINTS, 1960 TERM

Justices	Factors: I	II	III
D	.754	.283	.170
Bl	.769	−.259	−.130
Wa	.699	−.456	.089
Br	.578	−.298	.291
S	−.289	.126	.363
Wh	−.571	.065	−.108
H	−.714	−.373	.226
F	−.736	−.338	.270
C	−.519	−.245	−.309

IV. THE CUMULATIVE SCALES

Cumulative scaling is a research operation completely independent of the factor analysis, and so may be undertaken before, at the same time, or after the factor analysis is completed. In cumulative (or Guttman) scaling, the same universe of raw data is used as for the factor analysis. But instead of tabulating votes by dyads and in terms of agreement with the majority, for scaling purposes votes are tabulated by cases, and are classified as being either in support of, or in opposition to, certain defined scale variables. The variables employed here were identified on the basis of experimental work in previous terms of the Warren Court. The basic procedures for cumulative scaling have been discussed elsewhere,[18] although the format of Figures 1–3, below, differs somewhat in the presentation of results.

Consistent votes in support of the scale variable are denoted by the symbol x, and inconsistent positive votes by x̲. A blank space indicates a consistent negative vote, and the symbol – is used to signify an inconsistent negative vote. An asterisk signifies non-participation. Scale scores are simple functions of scale positions, and a justice's scale position is defined as being fixed by his last consistent positive vote. Where one or more non-participations separate a justice's consistent positive and negative votes, his scale position is assumed to be at the midpoint of the non-participation or non-participations, since it cannot be determined how he might have voted. A justice's scale score is computed by the formula:

$$s = \frac{2p}{n} - 1, \qquad (2)$$

where s is his scale score, p his scale position, and n equals the number of cases in the scale. Scale scores, like correlation coefficients and factor loadings, can range in value from +1 to −1, with the significant difference in practice that scale scores frequently attain these extreme values, reflecting the extremity of attitude of several of the justices in each of the scales shown in Figures 1–3.

The C Scale. Figure 1 is a cumulative scale of the 51 civil liberties cases that the Court decided by divided votes on the merits during the 1960 Term. In content, the *C* variable was defined broadly to include all cases in which the primary issue involved a conflict between personal rights and claims to liberty, and governmental authority. The number of cases included in the scale—over half of the total—was somewhat larger than in other recent terms; but the ranking of justices on the scale was very similar to that of the 1959 Term, and precisely the same as in 1958, which was Stewart's first term on the Court.

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[18] Schubert, *op. cit.* note 12 *supra*, pp. 270–290.

The scale accords with common knowledge that Douglas, Black, Warren, and Brennan are more sympathetic to civil liberties claims than the other members of the present Court. But there are definite gradations among the attitudes of these four "libertarian" justices toward the civil liberties claims of this term, and the scale distance separating Douglas and Brennan is just as great as the scale distance separating Whittaker and Clark. The mean rate of support for civil liberties claims of the four justices with high positive scale scores (the liberals on this issue) is 85%; the mean rate of opposition for the four justices with high negative scale scores (the conservatives on this issue) is 86%. This differentiation of the Warren Court into a set of liberal justices and a much more conservative group agrees with Pritchett's

1960 TERM

C Scale

	Justices									
Cases	D	Bl	Wa	Br	S	Wh	F	H	C	Totals
5/762	x									1-8
6/308	x									1-8
6/420	x									1-8
6/582	x									1-8
4778:200	x	x								2-7
5/265	x	x						*		2-6
4/507	-	x	x							2-7
4/611	-	x	x							2-7
5/458	x	-	x							2-7
4/388	x	x	x							3-6
3370:685	x	x	x							3-6
4839:122	x	x	x							3-6
5/381	x	-	x	x						3-6
4/372	x	x	x	x						4-5
4/426	x	x	x	x						4-5
5/43	x	x	x	x						4-5
5/301:70	x	x	x	x						4-5
5/301:179	x	x	x	x						4-5
5/399	x	x	x	x						4-5
5/431	x	x	x	x						4-5
6/36	x	x	x	x						4-5
6/82	x	x	x	x						4-5
6/117	x	x	x	x						4-5
4581:1	x	x	x	x						4-5
4623:12	x	x	x	x						4-5
4719:486	x	x	x	x						4-5
6/617	x	-	-	x	x					3-6
6/599	x	-	-	x	x		x			4-5
4/587	x	x	x	-	x					4-5
4/479:14	x	x	x	x	x					5-4
4/479:83	x	x	x	x	x					5-4
5/85	x	x	x	x	x					5-4
5/551	x	x	x	x	x					5-4
6/1	x	x	x	x	x					5-4
4694:233	x	x	x	x	x					5-4
4842:161	x	x	x	x	x		x			6-3
5/715	x	x	x	x	x				x	6-3
4798:236	x	x	x	x	x				x	6-3
4/631	x	x	x	x	x	x				6-3
5/312	x	x	x	x	x	x				6-3
6/213	x	x	x	x	x	x				6-3
6/418	x	x	x	x	*	x				5-3
4703:238	x	x	x	x	-	x				5-4
4754:4	x	x	x	x	x	x			x	7-2
4577:669	x	x	x	x	-	x			x	6-3
4/350	x	x	x	x	-	-	x	x		6-3
5/534	x	x	x	x	-	x	x	x		7-2
4/454	x	x	x	x	x	-	x	x		7-2
4687:181	x	x	x	x	x	-	x	x		7-2
5/610	x	x	x	x	x	x	x	x		8-1
5/167	x	x	x	x	x	x	-	x	x	8-1
Totals	49-2	43-8	43-8	38-13	20-30	10-41	7-44	6-44	5-46	221-236 221-236 457
Scale positions	51	47	45	39	25	13	6	6	1	
Scale scores	1.00	.84	.76	.53	-.02	-.49	-.76	-.76	-.96	

$R = 1 - \frac{22}{403} = .945$ $S = 1 - \frac{23}{79} = .709$

FIGURE 1. Judicial Attitudes towards Civil Liberties, 1960 Term*

findings for the Vinson Court,[19] except that Frankfurter now appears as a conservative rather than as an exponent of "libertarian restraint."

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* In Figures 1–3, cases are cited in either of two ways. Those decided prior to June, 1961, are cited to the official *United States Reports:* the digit preceding the slash bar is the third digit of the volume number, and should be read as though preceded, in each case, by the digits 36; the number following the slash bar is the page cite; and if more than one case begins on the same page, a docket number follows the page cite, separated from it by a colon. Official citations are not available, at the time this is written, for cases decided during the final three weeks of the term; such cases are cited to Volume 29 of *United States Law Week, Supreme Court Section,* with a four-digit page number followed by the docket number.

Two coefficients appear at the bottom of each scale; they purport to measure the degree of consistency in the set of votes being scaled. R is Guttman's coefficient of reproducibility; .900 or better is conventionally accepted as evidence to support the hypothesis that a single dominant variable has motivated the voting behavior of the justices in the set of cases comprising the sample. S is Menzel's coefficient of scalability; it provides a more rigid standard than R, because S (unlike R) does not capitalize upon the spurious contribution to consistency that arises from the inclusion in the scale of either cases or justices with extreme marginal distributions. Menzel has suggested that the appropriate level of acceptance for S is "somewhere between .60 and .65"; the scales presented in Figures 1–3 are well above the suggested, minimal levels of acceptability for both R and S. See Herbert Menzel, "A New Coefficient for Scalogram Analysis," *Public Opinion Quarterly*, Vol. 17 (1953), pp. 268–280.

It is certainly noteworthy that Douglas, over a wide range of specific issues, supported civil liberties claims in all except two out of fifty-one cases. His two inconsistent (and C−) votes both came in cases that raised technical questions of procedure relating to the statutory rights of federal criminal defendants, in cases where another variable (J−: Supreme Court deference to lower courts) also was present. Douglas was the only justice to dissent alone against C− decisions of the Court; and his four solitary C+ dissents identify him as the justice most sympathetic to civil liberties claims. At the opposite extreme was Clark, who found only five civil liberties claims, out of the total of fifty-one, sufficiently persuasive to gain his vote. Moreover, four of Clark's five C+ votes were inconsistencies, suggesting that in these cases he may have been motivated by his attitudes toward other variables than C; there is, of course, little empirical basis for assuming that all justices perceive all issues raised by cases in the same way, or that any justice's voting behavior will be perfectly consistent. The Guttman model assumes that if in a particular scale most respondents are highly consistent most of the time, it is reasonable to infer that they are predominately motivated by their differential attachments to a common value. And it is in precise accord with the assumptions of the "individual-compensatory composition model," mentioned earlier, that a justice may, in some decisions, compensate for his lack of sympathy for, say, civil liberties by his strong attachment to other appropriate values that he may perceive to be present in the decisions. This theory seems to provide a plausible explanation for Clark's inconsistencies. His most inconsistent votes, for instance, came in two cases, *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (April 17, 1961), and *Mapp.* v. *Ohio*, 367 U.S. 643 (June 19, 1961), where he joined C+ majorities against the dissents of Harlan, Frankfurter and Whittaker. The first case involved racial discrimination in a restaurant in a publicly owned building; and the second was the decision, already mentioned, which overruled *Wolf* v. *Colorado*. In both cases, Clark's strong attachment to *stare decisis* appeared to overcome his basically C− attitude sufficiently to cause him to support the majority, although such a consideration obviously did not forestall the more activist conservatives from voting as their convictions about libertarian claims dictated.

The key decision-maker in C cases during the 1960 Term, however, was Stewart, whose propensity to function as the swing man in an otherwise well-balanced Court was sufficiently obvious to attract journalistic comment.[20] Although Stewart tied with Clark for inconsistency with four such votes, he nevertheless voted consistently over 90 per cent of the time, and his scale score of −.02 indicates the close balance of his voting on civil liberties issues. Stewart was in the majority far more often than any of his colleagues, dissenting in only seven of the fifty cases in which he participated; and in nineteen 5–4 decisions, Stewart's vote was determinative. Slightly less than half (43 per cent) of the cases on the scale were decided C+, but the failure of the cases to break evenly cannot be attributed to Stewart. The division between C plus and minus decisions would have corresponded precisely to Stewart's scale position, except for the inconsistent negative votes of Black, Warren and Brennan, in the bottom three C− cases near the middle of the scale. Brennan's inconsistency is of no particular interest; it occurred in a routine case of statutory interpretation involving the imposition of multiple sentences upon a federal criminal defendant. But the Black and Warren inconsistencies appeared in two of the "Sunday Closing Law Cases," *Gallagher* v. *Crown Kosher Super Market*, 366 U.S. 617, and *Braunfeld* v. *Brown*, 366 U.S. 599, both decided in May 29, 1961. Many dispassionate observers will agree that the Black and Warren votes in these cases to uphold the constitutionality of the Massachusetts and Pennsylvania "blue laws," which upheld the principle of majority transgression of both the religious and the economic claims of the defendants, were clearly illiberal; and the fact that such votes appear as inconsistencies in the C scale should enhance confidence in the proposition that the C scale provides an adequate general measure of the civil libertarian sympathies of the justices.

The E Scale. One finding, which has resulted from applying the research approach of this paper to a much longer period—fifteen terms—has been that political scientists have been living with a somewhat distorted image of the Court during the past two decades. The pronounced emphasis upon the Court's civil liberties decisions,[21] reflecting, perhaps, the no-doubt laudable bias with which students of the Court approached their subject, has tended to obscure the significance of the Court's decisions relating to *economic* liberalism. The usual impression that one receives from reading the literature is that the traumatic events of 1937 resolved the problems of economic liberalism for our generation; and that since that time, the economic liberalism of the New Deal has motivated at least a clear majority of successively later Courts in supplanting the economically conservative precedents established by a majority of the "Nine Old Men" and their predecessors of the Taft Court. The real issues of public policy on the Court, it has seemed, have related to civil rights and liberties. But a careful and systematic examination of all of the Court's decisions on the merits contradicts the impression that the Court is preoccupied with questions of constitutional interpretation, and that statutory interpretation—which the economic cases characteristically involve—is a policy making function of lesser importance to the court.

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[19] *Civil Liberties and the Vinson Court* (Chicago: University of Chicago Press, 1954), p. 227.

[20] *Time*, Vol. 77 (June 16, 1961), p. 18.

[21] This emphasis is reflected, for example in Pritchett, *ibid.*, p. viii; and in Robert McCloskey, "Deeds Without Doctrines: Civil Rights in the 1960 Term," in this issue of this REVIEW, above,

Taking the decade of the 1950's as the most relevant recent sample, there were more cases on the E scale than on the C scale in half of the terms. Specifically, there were more E than C cases in both the 1958 and 1959 Terms, so the clear preponderance of C cases in the 1960 Term is atypical. Counting, of course, is no substitute for thinking; and a quantitative measure of the relative importance of the Court's decision-making on the issues of civil liberty and economic liberalism does not foreclose a qualitative judgment on this question. But the mere assumption that constitutional questions are qualitatively more important than statutory questions is no proof; and absent acceptable criteria in terms of which it can be demonstrated that the Court's civil liberties questions generally—not just the School Segregation Cases—have had a greater impact upon American society during the past two decades than have the Court's decisions involving economic issues, it does not seem too unreasonable to accept at least tentatively findings based upon quantitative criteria.

1960 TERM

E Scale

Cases	D	Bl	Wa	Br	C	H	S	F	Wh	Totals
6/169	x									1-8
5/320	x	x								2-7
4/441	x	x						*		2-6
4614:284	x	x								2-7
4618:306	x	x								2-7
4618:307	x	x								2-7
4713:392	x	x								2-7
4743:97	x	x	x	x						4-5
5/705	x	x	x	x				*		4-4
4/325	x	x	x	x	x			*		5-3
4/520	x	x	x	x	x			x		6-3
5/1:45	x	x	x	x	x				x	6-3
5/1:46	x	x	x	x	x				x	6-3
5/336	x	x	x	x	x				x	6-3
6/316	x	x	x	x	*	*				4-3
6/276	-	x	x	x	x	x				5-4
5/731	x	x	x	x	x	x				6-3
4/642	-	x	x	x	x	x	*			5-3
5/160	x	x	x	x	x	-	x	*		6-2
5/667:64	x	x	x	x	-	x	x	*		6-2
5/667:85	x	x	x	x	-	x	x	*		6-2
5/695	x	x	x	x	-	x	x	*		6-2
5/705	x	x	x	x	-	x	x	*		6-2
5/651	x	x	x	x	x	x	x	*		7-1
6/28	x	x	x	-	x	x	-	x		6-3
										113-100
Totals	23-2	24-1	18-7	17-8	11-13	9-15	6-18	2-14	3-22 113-100	213
Scale positions	25	24	18	18	16	10½	7½	4	0	
Scale scores	1.00	.92	.44	.44	.28	-.16	-.40	-.68	-1.00	

$$R = 1 - \frac{13}{196} = .934 \qquad S = 1 - \frac{13}{49} = .735$$

FIGURE 2. Judicial Attitudes towards Economic Liberalism, 1960 Term

In content, the E scale is just as broadly and heterogeneously defined as the C scale. The basic value that permeates the issues of economic liberalism is that of favoring claims of underprivileged economic interests as against those of affluence and monopoly power. Thus, E+ is pro-labor in union-management conflicts, pro-small business as against big business, pro-competition and anti-oligopoly, pro-governmental economic regulation "in the public interest" of special, "private" economic interests, and, most characteristically, economic liberalism means to favor the claims of injured railroad workers and seamen against their corporate employers and insurers.

As Figure 2 shows, the four justices who are civil libertarians are also the ones who score highest on the E scale. But the remaining five members of the Court vote quite differently upon the two kinds of issues. Clark, who was least sympathetic to civil liberties, appears in the role of an economic liberal, scoring only slightly lower than Warren and Brennan, and definitely emerging as the fulcrum of the Court on E issues. Nor is this a matter of recent conversion; Clark also ranked fifth (and again,

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pp. 71–89. In his series of annual survey articles on constitutional law, published in this REVIEW during the decade 1952–61, David Fellman allocates three-fourths of the approximate 370 pages, in which he discussed civil liberties, economic, and taxation issues, to what are here denominated C scale cases, and the remaining one-fourth to E and F scale cases.

after Douglas, Black, Warren, and Brennan) on the E scales for both the 1958 and 1959 Terms. Neither fact should be surprising; Clark's judicial voting record is quite consistent with the political position of the Texas "Fair Dealer" who served as Truman's Attorney General at the time of his appointment to the Court.

Stewart scores much lower on the E scale than on C; and Whittaker, who was the most moderate of the four C− conservatives, is identified as the anchor man of the Court in terms of his economic conservativism. Of particular interest is the fact that Frankfurter, who was tied with Harlan at the next to the bottom rank on C, also is in the second lowest rank on E. If we consider, as may seem intuitively justifiable, that the C and E scales taken together provide a good test of liberalism as a generalized range of attitudes, then it seems quite clear that Frankfurter was the most illiberal justice in the 1960 Term: he voted only nine out of 67 times in support of the liberal position. The necessary inference that one would draw, on the basis of cumulative scaling theory, from Frankfurter's low scale of scores of −.76 on C and of −.68 on E is that he voted conservatively because of his conservative attitudes. Any inference must be evaluated, however, in the light of Mr. Justice Frankfurter's own explanations, frequently proffered, which contradict the assumption that, for him at least, these two scales each involve a single dominant variable. According to Frankfurter, who often has admitted his passionate personal sympathy for the downtrodden and oppressed among the Court's litigants, many of his illiberal votes in these cases must be attributed to his deference to federalism or to judicial restraint, or to the wise judges who sit on lower courts of the present or the Supreme Court of the past.

The F Scale. The third most important variable, in recent terms, has been the F scale, which deals with monetary conflicts of interest between private individuals and government. Thus, F+ means to uphold the position of the government (national, state, or local) in tax and eminent domain cases, and in other matters where fiscal claims are at issue. In a sense, therefore, F is a closer analogue to C than is E, since C also is concerned with conflicts of interest between private individuals and governmental authority. But an examination of the voting and opinion behavior of the justices makes it apparent that for *most* of them, the issues of the F scale are more closely related to issues of economic liberalism than of civil liberties. This is hardly surprising, since F is differentiable from E primarily in terms of the parties whose interests are in conflict. Yet this difference in the identity of the parties may make a considerable difference to particular justices, depending upon how far they regard the government as a fiscal trustee acting in the "public interest" of the commonwealth, or as the largest single combination of monopolistic economic power.

1960 TERM

F Scale

	Justices										
Cases	Bl	Wa	C	Br	F	H	S	Wh	D		Totals
4/443	x										1-8
5/624	x	x						x			3-6
4811:288	x	x	x	x	x						5-4
4/361	x	x	x	x	x	x					6-3
5/467	x	x	x	x	x	x	*				6-2
4/310	x	x	x	x	x	x	x				7-2
4469:533	x	x	x	x	x	x	*	x			7-1
4/289	x	x	x	x	x	x	x	x			8-1
4/446	x	x	x	x	x	x	x	x			8-1
5/753	x	x	x	x	x	x	x	x			8-1
3381:629	x	x	x	x	x	x	x	x			8-1
3381:843	x	x	x	x	x	x	x	x			8-1
4/410	x	x	-	-	x	x	x	x			6-3
6/199	x	x	x	x	x	-	x	x	x		8-1
											89-35
Totals	14-0	13-1	11-3	11-3	12-2	10-4	8-4	9-5	1-13	89-35	124
Scale positions	14	13	12	12	12	11	9½	8	1		
Scale scores	1.00	.86	.71	.71	.71	.57	.36	.14	-.89		

$$R = 1 - \frac{3}{53} = .943 \qquad S = 1 - \frac{4}{23} = .826$$

FIGURE 3. Judicial Attitudes towards Governmental Fiscal Claims, 1960 Term

The F variable was discovered in the process of empirically examining the voting patterns in several preceding terms. Several justices, and in particular Douglas, voted differently in some cases to which the government was a party from their behavior in most other cases involving economic issues. As Figure 3 shows, Douglas and Black, who ranked first and second on both of the liberalism scales, are at opposite ends of the F scale. In all fourteen cases which comprise the scale for this term, Black voted to uphold the position of the government, while Douglas voted in the opposite way in all except one case—which would have been decided unanimously, and thus would not have appeared upon the scale, if it had not been for Harlan's inconsistent vote. On the other hand, Frankfurter, who ranked near the bottom of the Court on the C and E scales, is tied with Brennan and Clark for the fourth rank on the F scale. Clearly, the ranking of the justices on F is different from their rankings on either C or E. Moreover, the government won twelve of these fourteen cases, and Douglas was the only member of the Court who did not vote to support the position of the government in at least a majority of the cases.

In terms of content, six of these cases raised questions of national taxation; four were state or local tax cases; and the remaining four were concerned with fiscal claims against the national government: one in eminent domain, one in tort, and two others. It is convenient to postpone, until the next section of this paper where it can be discussed in the context of Figure 4, the question *why* Douglas voted more often in the company of Whittaker and Stewart, than with Black and Warren, on the issues comprising the F scale.

This scale does not meet one of the recommended minimal standards for a Guttman scale, in that fewer than ten of the cases include two or more dissenting votes.[22] But this requirement of Guttman scaling was established in order to avoid the spurious inflation of the coefficient R; and as previously noted, the coefficient S is computed in a way that precludes that possibility. Since the value of S is quite high (.83, or about .20 above the acceptability level), and the ranking of the justices is similar to those of the immediately preceding terms, it seems justifiable to consider F to be scalable for this term, and to accept the scale.

The Minor Scale Variables. In addition to the three major variables so far discussed, three other minor variables have been tentatively identified on the basis of similar research in other recent terms of the Court. These include A (judicial activism in reviewing the decisions of the Congress, the President, and administrative agencies); N (federalism, and conflict between the national and state governments); and J (the supervisory authority of the Supreme Court over the decision-making of lower courts). Too few cases have been associated with any of these variables in recent years, to permit scaling them. In the 1960 Term there were four cases on A, two on N, two on J, besides the one 4-4 decision in which the votes were not identified. Therefore, 91 of the 99 split decisions of the 1960 Term are included on the scales of the three major variables; and together, the C, E and F scales account for the variance in the voting behavior of the justices in 91 per cent of the decisions of the Term.

V. SCALE AXES IN THE FACTOR SPACE

The next step is to position the scale axes, which are considered to be the psychological analogues of the cumulative scales, in the space defined by the factorial reference axes. It will be recalled that the configuration of i-points for the justices is uniquely determined by the set of factor loadings given in Table IV. The problem now is to determine whether it is possible to pass a set of axes through the factor space in such a manner that the rankings of the projections, from the i-points onto the axes, are equivalent, in a statistically acceptable sense, to the rankings of the justices on the scale axes. What is required mathematically in order to accomplish this are sets of weights which will determine the position of the axes in the space, and the points on each axis where the projections from the i-points fall. Given such data, it will then be possible to compare the rankings of the justices, on the cumulative scales, with the rankings of the projections from their i-points on the counter part scale axes.

It is helpful to prepare a set of two-dimensional plots of the i-points against the reference axes, similar to Figure 4 but without the scale axes. Initial estimates of weights can be made from an examination of such two-dimensional plots. More precise determination of a set of acceptable weights requires mathematical analysis of the factor matrix of Table IV, and the use of a calculating machine. The distance from the origin of the factor space to the point which is closest to a given i-point, on any scale axis, is computed by the formula,[23]

$$(3) \qquad d = \frac{\alpha x + \beta y + \gamma z}{(\alpha^2 + \beta^2 + \gamma^2)^{1/2}},$$

where d is the distance from the origin to the point on the scale axis where it is orthogonal to the projection from the i-point; x, y, and z are coordinates of the factorial reference axes for the i-point; and α, β, and γ are the coefficients which determine the position of the scale axis in the three-dimensional factor space. The same set of coefficients also provides the reference axis coordinates for the positive terminus of the scale axis.

The positions in which the scale axes have been placed in Figure 4 do not necessarily constitute a uniquely "best" fit to the configuration of i-points; but it is assumed that as defined in Table V and shown in Figure 4 they furnish an appropriate and approximately correct solution. One way to visualize this solution is to think of a cone intercepting a relatively quite small circular area on the surface of a unit sphere; any axis lying within the cone will array the projections from i-points so

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[22] Torgerson, *op. cit.*, p. 324.

[23] The use of this formula was kindly suggested by John P. Gilbert.

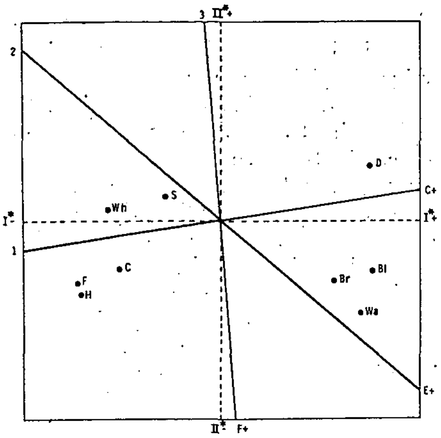

FIG. 4a: Reference Axes I and II[24]

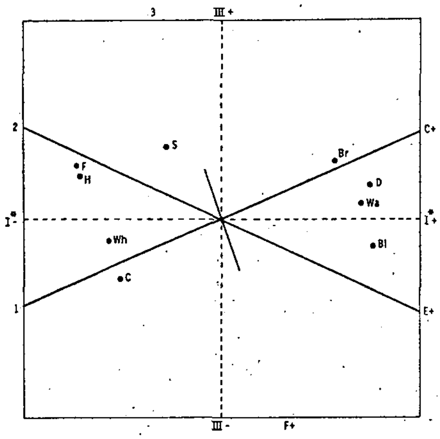

FIG. 4b: Reference Axes I and III

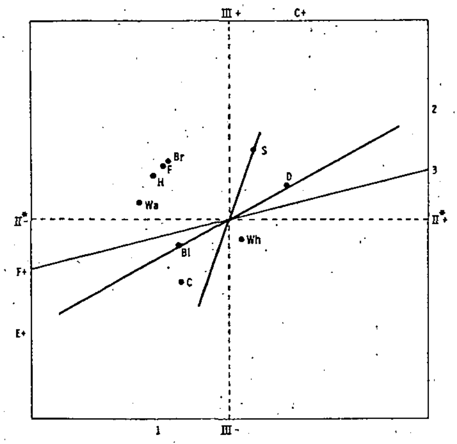

FIG. 4c: Reference Axes II and III

FIGURE 4. Scale Axes and the Judicial Point Configuration in the Orthogonal Factor Space

TABLE V. REFERENCE AXIS COORDINATES, COEFFICIENTS, AND COSINES FOR SCALE AXES

Scale axes	C 1	E 2	F 3
Coordinates/ coefficients:			
I/α	1.00	1.00	.08
II/β	.15	−.86	−1.00
III/γ	.43	−.47	−.25
Cosines			
Figure 4a	+08½°	−40½°	−85½°
Figure 4b	+23½°	−25°	−72°
Figure 4c	+71°	−151½°	−166°

as to produce the same set of rankings of the justices as will be produced by any other axis within the cone.

The three plots of Figure 4 may be thought of as three views of a cube: Figure 4a is a top view, Figure 4b is a side view and Figure 4c is an end view. With relationship to reference axis I, the C scale axis enters from the lower right octant of the cube, passes through the origin, and emerges at the end through the upper left octant. The E scale axis passes downward and to the right of I. Reference axis I, it should be noted, is approximately the centroid, or arithmetic mean, of the C and E scale axes. The C axis clearly passes closest to Douglas, who also appears to have the most extreme projection on the positive segment of the axis. (Such a projection would correspond to Douglas' position with the highest score on the C cumulative scale.) Black, Warren, and Brennan project upon the positive segment of the C axis too, but we cannot be certain from an examination of Figure 4 precisely what the sequence of their rankings will be. Stewart clearly will project upon the C axis somewhere near the origin, which means that his "loading" on the axis will be close to zero. And the remaining four justices all will project upon the negative segment of the C axis, corresponding to their negative scores on the C cumulative scale.

Douglas, Black, Warren, and Brennan all will project positively upon the E axis, although it looks as though Douglas will rank lower on the axis than he does on the cumulative scale. Clark, who ranked fifth on the E cumulative scale, also will project to the fifth position on the E axis; and the remaining justices will project negatively, corresponding to their negative scale scores for this variable.

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[24] The direction of orthogonal factor axes extracted by the complete centroid method is arbitrary; the asterisks following the identifying numbers for the first and second axes (*i.e.*, I* and II*) signify that the polarity of these two axes was reversed to facilitate uniformity in inter-term comparisons in the larger study to which this article relates.

Douglas is somewhat separated from the other three so-called libertarians, and the reason for this becomes apparent when we consider the F scale axis, which cuts across the center of the space to emerge through the front face, with only slight deviation toward the end (at I+) and downward. Particularly in Figure 4a, which includes the two most important dimensions, it can be seen that the relationship of the F axis to the C and E axes is such that the justices who project upon the negative segment of F are Stewart and Whittaker, who have the most negative projections on E, and Douglas, who has the most positive loading on C, in these two dimensions. This suggests that F presents issues that pull together the justices who project at opposite extremes on the two liberalism scales. Douglas, in other words, might vote in opposition to governmental fiscal claims because of a strong and generalized antagonism to governmental regulation and control; this could help to explain the extremity of his support for civil liberties claims, which are also claims of private persons in opposition to governmental regulation and control. Whittaker and Stewart, on the other hand, might vote F− because of their strong economic conservativism, and their corresponding sympathy for "free enterprise" and antipathy for public fiscal controls. The converse argument would explain why the remaining justices all would project positively on the F axis. Economic liberalism, as understood by Black, Warren, and Brennan, frequently involves support of governmental regulation and control "in the public interest"; and both liberals and conservatives agree that taxation is necessary to support positive programs of governmental regulation of the economy. Douglas' action appears to have been reciprocated by Frankfurter, Harlan, and Clark, whose support of the government against claims of personal right seems to carry over to the support of the government against claims of private fiscal right. In any event, the position of the F axis in Figure 4 is such that, from a statistical and geometric point of view, F appears to be essentially orthogonal to—that is independent of—the C axis, and moderately correlated positively with the E scale. The suggested psychological explanation is at least not inconsistent with the mathematical relationships that are evident in the data.

VI. A TEST OF THE BASIC HYPOTHESIS

The principal hypothesis underlying this study is that differences in the attitudes of the justices toward the basic issues raised by the cases that the Court decides account for the differences in their voting. In short, Supreme Court justices vote as they do because of their attitudes toward the public policy issues that come before them. We are now in a position to make a statistical test of this hypothesis.

The *i*-points of the justices are separated in the factor space because of variance in the extent of majority participation of individual justices; but the factor analysis routine knows absolutely nothing about the subject matter of the values to which the decisions relate. The relative degrees of support by the justices of the key substantive issues can be determined by cumulative scaling; but cumulative scaling is a unidimensional measurement device, and each such scale is based upon a different universe of content, and is quite independent *methodologically* (as distinguished from psychologically) from every other scale. Moreover, the cumulative scale data are inadequate to permit the recovery of the configuration of the *i*-points in multidimensional space.[25] We shall assume, therefore, that if the cumulative scales can be reconstituted as a set of scale axes whose position is consistent with the configuration of *i*-points in the factor space, then the attitudinal differences of the justices on the cumulative scales account for the variance in the voting behavior of the justices, which is represented by the spatial separation of their ideal-points in the multidimensional factor space. If the correspondence between the set of cumulative scales and their scale axis analogues can be established in accordance with accepted procedures of statistical proof, then we shall have proved, in a mathematical sense, that the justices of the Supreme Court vary in their voting behavior according to the differences in their attitudes towards the scale variables.

Table VI presents a comparison of the cumulative scale scores, and the distances along the counterpart scale axes at which the *i*-points project (as determined by formula 3), together with the corresponding sets of rankings, for all justices on each of the three major variables. Although both scale scores and axis loadings range in value, in principle, from +1 to −1, so that some meaning can be attached to direct comparisons of pairs of corresponding scores and loadings, it will be recalled that, for mathematical reasons relating to the marginal dis-

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[25] Coombs, *op. cit.*, ch. 12; and *cf.* Coombs and Kao, *op. cit.*, p. 230.

TABLE VI. CORRELATION OF JUDICIAL RANKS ON SCALES AND SCALE AXES

C					E					F				
Axis	Ranks			Scale	Axis	Ranks			Scale	Axis	Ranks			Scale
.791	1	D	1	1.00	.308	4*	D	1	1.00	.341	2*	Bl	1	1.00
.614	2	Bl	2	.84	.752	1	Bl	2	.92	.474	1*	Wa	2	.86
.609	3	Wa	3	.76	.749	2	Wa	3½	.44	.272	3	C	4	.71
.599	4	Br	4	.53	.498	3	Br	3½	.44	.263	4	Br	4	.71
−.104	5	S	5	−.02	−.116	5	C	5	.28	.205	6*	F	4	.71
−.553	6	Wh	6	−.49	−.357	6	H	6	−.16	.251	5*	H	6	.57
−.610	7	F	7½	−.76	−.406	7	S	7	−.40	−.232	8*	S	7	.36
−.612	8	H	7½	−.76	−.409	8	F	8	−.68	−.081	7*	Wh	8	.14
−.627	9	C	9	−.96	−.411	9	Wh	9	−1.00	−.256	9	D	9	−.89
Rank correlation coefficient (tau)				.986					.901					.870
Significance level, 1-tailed (p)				<.000025					.00012					.00043

* Inconsistent rankings.

tributions of the four-fold tables, the intervals on the two types of continua are not genuinely commensurable. Moreover, it has been determined experimentally that the error variance in the factor analysis routine is usually around 10 per cent; while the error variance in the cumulative scales is only slightly less; and there are other sources of error variance implicit in the general method. Therefore, it seems reasonable to employ the non-parametric rank correlation test for the purpose of making the comparison. In spite of the seeming precision of coefficients carried to the third decimal place, it would be fatuous to pretend that the measurement employed in this study can hope to be more than a rough approximation of empirical reality.

As Table VI indicates, there are no inconsistencies in the two sets of rankings for C. The correlation coefficient is less than +1.00 because of the tie in the scale scores of Frankfurter and Harlan, which increased very slightly the probability of perfect agreement with another set of rankings.[26] The correspondence between the two sets of rankings for E also is perfect, except for Douglas, whose loading on the scale axis is much too low to correspond well with his maximal scale score. We can readily observe, from Figure 3, that with the point configuration given by the factor analysis, it would be impossible to position the E axis in such a way as to accommodate both Douglas' position, and those of the remaining justices. It has, therefore, seemed preferable to position the E axis in the way that best reflects the attitudinal alignment of the other eight justices, and to consider Douglas' *i*-point to be located inconsistently with his manifest attitude towards E. There are several possible explanations for Douglas' apparent inconsistency. The problem might be one of error variance, since the factor routine knows nothing of Guttman scale inconsistencies, and Douglas' two E− inconsistencies would tend to pull him below Black, at least, in projection on E, in the attribution of variance by the centroid factor routine; to this we could add the imponderable effect of the error variance inherent in the factor analysis itself. But an alternative psychological explanation might be that the *i*-point configuration is correct, and that it *is* inconsistent for a justice, who is as hostile to governmental fiscal control as Douglas, at the same time to be the Court's strongest supporter of claims of economic liberalism.

The two sets of rankings for F are generally in close accord, since a tau of .87 is considered to be very high. There are three reversed pairs in the axis rankings: Black and Warren, Frankfurter and Harlan, and Stewart and Whittaker. Reference to Figure 3 shows that the reversal, for each of these pairs, was occasioned by the difference of a single vote; and the value of tau was lowered by the triple tie in the scale ranks. It seems quite likely that the F scale, which is marginally acceptable in any event, is based upon too few (and too extreme) cases to constitute an adequate sampling of the attitudes of the justices towards this value; and that a scale based upon twice as many cases might result in a much closer correspondence between the cumulative scale and the point configuration. In other words, it seems most likely that in the case of F, the inconsistency between the two sets of rankings should be attributed to the inadequacies of the scale, rather than to errors in the point configuration. This question could be resolved only by an examination of the justices' voting behavior in a term in which they chose to accept for decision a considerably larger number of cases dealing with the issue of governmental fiscal powers than they have dealt with in recent years; or, as might well be done, by pooling the data for several terms of the Court.

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[26] However, it will be observed that the probability of such perfect agreement between the two sets of rankings having occurred by chance alone is less than one chance in 40,000.

Nevertheless, the correlation between all three sets of rankings is very high, with or without the above explanations. From a statistical point of view, it should be noted that the probabilities shown in Table VI relate to the probability of producing, by chance alone, the indicated congruence between any *one* scale and the point configuration. The prospect of chance replication of as good a fit for all three scales simultaneously, with the same fixed point configuration, is of course very much more remote; indeed, the joint probability, which is the product of the three discrete probabilities, is a truly astronomical number: $<.0^{11}129$, or approximately one chance in a trillion. It seems warranted, under these circumstances, to accept the hypothesis that the variance in the voting behavior of the justices during the 1960 Term can be adequately accounted for by the differences in their attitudes towards the fundamental issues of civil liberty, economic liberalism, and governmental fiscal authority.

VII. THE PSYCHOLOGICAL DISTANCE SEPARATING THE JUSTICES

Taking the judicial ideal-points in the factor space as reasonably adequate symbolizations of the respective attitude syndromes of the individual justices, we can use them to examine one final question. Discussion about the justices frequently revolves around such questions as which ones tend to share the "same point of view," and which ones are "furthest apart" in their thinking. The factor space provides a convenient basis for objective measurement of the psychological distance which separates each justice from each of the others.

Since the measurement of these psychological distances is purely mathematical, we shall carry it out in five-dimensional space. This will afford a slightly more accurate basis for measurement than the three-dimensional space depicted in Figure 4, since the fourth and fifth factors will permit us to consider, presumably, the effect of the minor variables (such as A, N and J) which, although not scalable in the Guttman sense, nevertheless must be considered to be a part of the attitude syndrome of each justice. The psychological distance will be measured on the same scale as that employed for the three-dimensional factor space: along orthogonal reference axes, each of which extends from −1 to +1. The standard formula for computing the distance between any two points in orthogonal five-space is:

$$(4) \quad d_{(i_1-i_2)} = [(v_1 - v_2)^2 + (w_1 - w_2)^2 + (x_1 - x_2)^2 + (y_1 - y_2)^2 + (z_1 - z_2)^2]^{1/2},$$

where d is the distance, i_1 and i_2 are the ideal-points of a pair of justices, and v, w, x, y and z are the coordinates (or "loadings") of the justices on factors I–V.

The result of computations according to this formula are shown in Table VII. Harlan and Frankfurter are by far the closest two justices, in terms of their attitudes toward the policy issues that the Court decided in the 1960 Term; they are separated by a distance of only .14 in the five-dimensional factor space. Contrary to what even many close observers of the work of the Court seem to believe, however, it is Warren and Brennan—not Douglas and Black—who are next most similar in attitude, at a distance of .42. In fact, there are five other pairs (Wh-C, .52; Bl-Wa, .53; Wh-S, .57; Wh-F, .67; and Wh-H, .70) with "ideational identity" closer than that of Douglas and Black,[27] who are separated by a distance of .75. On the other hand, the greatest difference in attitude is that between Douglas and Black, on the one hand, and Frankfurter and Harlan, on the other; the average distance separating these two pairs of justices is 1.60. Moreover, Douglas, Black, Warren and Brennan all agree that Frankfurter and Harlan are the justices whose point of view is most different from their own; and, conversely, Harlan, Frankfurter,

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[27] In an article devoted to the attitudinal similarities and differences of these two justices, Spaeth has concluded that his data, also, "show significant ideational difference between Black and Douglas." *Op cit.*, p. 176.

TABLE VII. ATTITUDINAL DISTANCES AMONG JUDICIAL IDEAL-POINTS, 1960 TERM

	D	Bl	Wa	Br	S	C	Wh	F	H
D		.75	.93	.83	1.21	1.53	1.44	1.63	1.63
Bl	.75		.53	.80	1.30	1.47	1.44	1.58	1.54
Wa	.93	.53		.42	1.18	1.38	1.39	1.52	1.50
Br	.83	.80	.42		1.02	1.27	1.29	1.42	1.44
S	1.21	1.30	1.18	1.02		.93	.57	.78	.82
C	1.53	1.47	1.38	1.27	.93		.52	.80	.85
Wh	1.44	1.44	1.39	1.29	.57	.52		.67	.70
F	1.63	1.58	1.52	1.42	.78	.80	.67		.14
H	1.63	1.54	1.50	1.44	.82	.85	.70	.14	

Whittaker, Clark, and Stewart all agree that Douglas and Black are the justices most distant psychologically from themselves.

If we seek an "average" justice whose point of view best typifies that of the Court as a whole, he is clearly Stewart at an average distance of .98. The variation of Stewart's separation from his colleagues also is confined to the smallest range. Such a finding is perfectly consistent, of course, with the findings of scale analysis, and with the configuration shown in the three-dimensional space of Figure 4. In similar accord with expectations is the finding that the most atypical justice was Douglas who, separated by an average distance of 1.24 from his colleagues, entertained the most generally extreme views of any of the justices.

Although Stewart and Clark are adjacent to each other in the two-dimensional matrix of Table VII, since the pattern shown is the most generally consistent one, these two justices are not very close to each other in five-space (as a glance at three-dimensional Figure 4 suggests): Stewart and Clark both are closer to Whittaker, Frankfurter, and Harlan than they are to each other. Finally, it is noteworthy that Whittaker—not Frankfurter—is the most typical of the group who, at least in relationship to the C and E variables, are the conservative justices; Whittaker's average distance from the other four justices at the "right wing" of Table VII was only .62. And it is Warren—not Black—who is the most typical of the four liberal justices, with an average distance of .63 separating him from the other three.

VIII. SUMMARY

The objective of this paper has been to demonstrate the utility, for a more accurate insight into the basic factors that underlie disagreement among Supreme Court justices, of a more rigorous psychological approach than has been characteristic of most discussion of their attitudes. The attention of scholars always has focussed upon the values articulated in the opinions of the justices, and particularly in majority opinions; but much less attention has been given to the possibility that an examination of the voting behavior of the justices might provide a better and more reliable approach to the understanding of their attitudes than the study of opinions. Research during the last two decades has turned increasingly to the analysis of judicial voting records, in addition to opinion language; and reliance understandably has been placed, during what might well be termed the pioneering stages of the development of a science of judicial behavior, upon unidimensional models. These necessarily are limited in their capacity to represent adequately the complex interplay of attitudes in the mind of any human being. The time has now come when it may be appropriate for students of judicial behavior to consider the advantages to be gained by utilization of multidimensional models of the behavior of Supreme Court justices.

One such model, exemplified here, is suggested by recent (and on-going) research in psychometrics. It proceeds on the premise that a justice reacts in his voting behavior to the stimuli presented by cases before the Court, in accordance with his attitudes toward the issues raised for decision. This article has presented what is believed to be persuasive evidence that this is precisely what the justices were doing when they voted in the decisions of the 1960 Term.

TWO THEOREMS ON *CETERIS PARIBUS* IN THE ANALYSIS OF DYNAMIC SYSTEMS

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Analysis of the dynamic properties of two or more interrelated systems is a recurrent problem in social science theory. A particular problem frequently arises (although it often goes unrecognized) in assessing the validity of an analysis of a system, some variables of which are causally related to other variables, which latter, in turn, are either not explicitly taken into account or are assumed constant. Examples are easy to find: economists may study the behavior of a single country's economy with only secondary regard for the rest of the world; studies of group behavior may pay only secondary attention to the other roles played by the group members in other contexts; two more examples are worked out below and others may be found in the works about to be cited. Indeed, in a larger sense, the division of social science itself (or of natural science, for that matter) into separate disciplines is an example, for the variables taken as given by one discipline are the very subject matter of another and *vice versa*. In all these examples, the very real problem is present that if variables taken as given are causally affected by the variables of the system being analyzed, or if variables assumed not to affect that system actually do affect it, the results of the analysis may have little relevance for the study of real problems.

The principal purpose of this paper is to call the attention of social scientists outside the field of mathematical economics to two related theorems in this area that have recently been proved.[1] We shall not attempt a technical discussion of the theorems here but instead give a general description of them in the next section. We then present two illustrative, albeit somewhat simplified, examples of the sort of results that these theorems can be used to obtain in political science.

I

Suppose a number of variables such that at any time, t, the value of each of them is a function of the values of some or all of the same set of variables at some past time t-1.[2] Suppose further that it is possible to collect the variables into subsets such that the variables within each subset are functions only of the past values of variables in the *same* subset, but not of the past values of any variables in any *different* subset.[3] Then the system is said to be *completely decomposable* and it is obvious that it really consists of several independent systems each one of which can be analyzed separately without reference to any of the others. In the examples mentioned above, this would be the case if every country's economy were really closed so that there were no inter-country effects and if every member of a group had no other roles to play outside the group or if those other roles had no effect whatsoever on actions within the group.

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[1] H. A. Simon and A. Ando, "Aggregation of Variables in Dynamic Systems," *Econometrica*, Vol. 29 (April, 1961), pp. 111–138 and A. Ando and F. M. Fisher, "Near-Decomposability, Partition and Aggregation, and the Relevance of Stability Discussions," in detail (forthcoming) present and prove the theorems. The relation of the sort of system involved to ordinary notions of causation is discussed in H. A. Simon, "Causal Ordering and Identifiability," ch. 3 in *Studies in Econometric Method* (W. C. Hood and T. C. Koopmans, eds., New York, 1953; Cowles Commission Monograph No. 14), reprinted as ch. 1 in H. A. Simon, *Models of Man* (New York, 1957); while the bearing of this sort of problem on the estimation of parameters in one of a set of interrelated systems is covered in F. M. Fisher, "On the Cost of Approximate Specification in Simultaneous Equation Estimation." *Econometrica*, Vol. 29 (April 1961), pp. 139–170.

[2] If values in the further past are relevant, a formal redefinition can always be made to eliminate time before $t-1$, without changing anything. Simultaneous dependencies can also be treated, though, for reasons of clarity and intuitive appeal, we restrict ourselves to cases where there is some time lag somewhere in the system. Further, we could consider time as continuous without essential changes. Strictly speaking, however, the theorems under discussion are only known to hold for cases in which the relations involved are linear. Since this was written, the principal results of the theorems have been shown to hold for at least one important class of nonlinear systems in F. M. Fisher, "Decomposability, and Balanced Growth Under Constant Returns to Scale" (forthcoming).

[3] Hereafter, to simplify terminology, by the term "set" instead of "subset," we mean a subset within the set of all variables in the system under consideration.

While the assumption of complete decomposability (or *ceteris paribus*) is often convenient to make, it is seldom likely to be fully satisfied in practice. Thus there *are* some exports and imports affecting every country; there *are* outside roles for group members, and so forth. The question thus naturally arises: What remains of the results of an analysis carried out under an assumption of complete decomposability if the system being studied is in fact embedded in a larger system which is not truly completely decomposable, so that variables assumed to be causally irrelevant do in fact matter? Of course, if the assumption of irrelevance—of complete decomposability—is a very bad one, it is unreasonable to expect much to be left of results obtained under it; but what if variables assumed irrelevant do not in fact matter very much? Is there any sense in which complete decomposability and the great simplification which it permits can be used as a good approximation, so that results obtained under it can be expected to be approximately valid when it is relaxed? This is where the first of our two theorems comes in.

Suppose that our system, instead of being completely decomposable, is in fact only *nearly* completely decomposable. In other words, suppose that the variables within each set do depend on the past values of variables outside that set but that this dependence is small relative to within-set dependencies. In such a case, the Simon-Ando theorem[4] asserts the following: carry out the analysis of the system on the assumption that it is really completely decomposable (*i.e.*, ignore inter-set dependencies altogether). Provided that inter-set dependencies are sufficiently weak relative to intra-set ones, *in the short run* that analysis will remain approximately valid in all respects—that is, the system will behave almost as if it *were* completely decomposable.[5]

Now, if this were all, it would be useful but not very remarkable, for it would merely mean that if neglected influences are sufficiently weak they take a long time to matter much; however, the theorem does not stop here but asserts a far stronger result.

Consider the long-run behavior that the system would exhibit if it were truly completely decomposable. In particular, consider the *relative* behavior of the variables within each set (*i.e.*, consider the long-run behavior of their ratios). Provided again that inter-set dependencies are sufficiently weak relative to intra-set ones, that same relative behavior will show up approximately in the long-run behavior of the true only *nearly* completely decomposable system. It is important to fully grasp this result. It asserts that even when influences which have been neglected have had time to make themselves fully felt, the *relative* behavior of the variables within any set will be approximately the same as would have been the case had those influences never existed, and this despite the fact that the *absolute* behavior of the variables—their levels and rates of change—may be very different indeed. To recapitulate: if a nearly completely decomposable system is analyzed as though it were really completely decomposable, the results obtained will remain approximately valid even in the long run as regards the *relative* behavior of the variables within any one set.[6]

The detailed examples of the next section will make all this clearer; however, let us pause briefly over the examples already cited. In one variant of the international trade case, the Simon-Ando theorem asserts that if a country trades very little with the rest of the world, its short-run production of every commodity will be approximately the same as if it did not trade at all. Further, in the long run, the *ratio* in which it produces any two commodities will also be approximately the same, although the *levels* and *rates of growth* of production may be very different in the two cases. Similarly, in the group behavior case, the Simon-Ando theorem asserts that, if outside roles for group members are relatively unimportant, the short-run behavior of the group will be approximately the same as if those roles did not exist, while in the long run, the *relative* behavior of the group members *vis-à-vis* each other will also be approximately the same, even though the behavior of the group *as a whole*[7] *vis-à-vis* the rest of the world may be quite different.

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[4] Simon and Ando, *op. cit.*

[5] Here and later what is meant by "sufficiently weak" depends on what standard of approximation one wishes to impose on the results. The more closely one insists that the behavior of the system must approximate that of the corresponding completely decomposable one, the weaker must "sufficiently weak" be. What the theorem guarantees is that *whatever* standard of approximation is required (so long as it is an approximate and not an exact standard) a non-zero degree of weakness always exists which is sufficient to produce results satisfying that standard.

[6] Even before the full system settles down to its ultimate behavior, variables within any one set will move proportionally, so that inter-set influences can be analyzed as influences among indices, each index representing all variables in a particular subset of the system, rather than as among the individual variables themselves. This point, while a little aside from the main drift of our discussion in the text, is useful and important and will show up in our examples below. It is true of both theorems.

Unfortunately, however, useful as completely decomposable or nearly completely decomposable systems are, the assumptions inherent in near complete decomposability are grossly unrealistic for many systems which are of great interest to social scientists. We often study systems which we do not believe, even as an approximation, to be causally uninfluenced by outside forces. In many cases, we deal with systems whose variables are believed to be influenced by outside forces but not to influence these outside variables, so that the latter may be taken as givens of the problem. This is the case of causal influences running only one way among sets of variables (although there may be "whorls" of causation within each set). Thus the economist frequently takes tastes or technology as causally influencing the variables he studies but as being causally uninfluenced by them. So too, a sociologist may take the existing means of production as given independently of the variables he studies but as influencing the latter in a significant way.

More formally, this kind of assumption is equivalent to saying that our variables can be collected into sets *numbered* (from 1 to N, say) so that the variables in any given set are functions of their own past values *and* of the past values of the variables in any lower-numbered set but not of the past values of the variables in any higher-numbered one. This sort of system is called *decomposable*. (The reader should go back to the definition of *complete* decomposability to be sure he understands the difference.) Clearly, the dynamic behavior of any set of variables in a decomposable system can be studied, taking the behavior of variables in lower-numbered sets as given and without any regard for higher-numbered sets. (Note, however, that the influence of lower-numbered sets *must* be explicitly recognized.)

Again as in the case of complete decomposability, however, the assumption of decomposability is frequently justified only as a working approximation. Thus tastes and technology are not *really* independent of the workings of the economic system; the means of production are not *really* given independently of sociological factors.[8] The question then arises as before of the validity of results obtained under such assumptions. Indeed, this question is perhaps even more important here than in the completely decomposable case, for we have already pointed out (and the examples just cited illustrate) that the very separation of social science into the social sciences is a use of the assumption of decomposability.

Fortunately, the same things are essentially true here as in the nearly completely decomposable case. For nearly decomposable systems which are not nearly completely decomposable —in other words, for systems in which *one-way* inter-set influences are too large to ignore—the Ando-Fisher theorem[9] yields substantially the same results as the Simon-Ando theorem does for the nearly completely decomposable case. Thus the economist who takes tastes and technology as influencing but uninfluenced by economic variables will find—provided that such an assumption is *nearly* correct—that his results will be approximately valid in all respects in the short run and that even in the long run, when the full effects of feedbacks in the causal structure are felt, the *internal*, *relative* behavior of the variables he studies will be approximately the same. The importance of this result for the usefulness of intra-disciplinary studies in an interrelated world needs no emphasis.[10]

II

We come now to the application of these theorems to two examples in political science which we shall work out in moderate detail, although without any attempt to argue that these examples are more than illustrations.

First, let us consider an over-simple model of armament races. Suppose that at any time, the stocks of armaments of any country (as measured by the number of units of each type of weapon in its arsenal) are a function of the stocks of armaments of all countries (including itself) at some past date.[11] The influences of such past stocks may be of different kinds. Thus armaments may be higher the higher a prospective enemy's armament stocks; lower the higher the stocks of prospective allies; effects on different weapons may be different; stocks of one type of weapon may influence stocks of others positively or negatively; and so forth.

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[7] This phrase is not used accidentally. The influence of the outside roles will eventually be on group behavior as a whole rather than on individual behavior within the group (remember that such influences are small relative to within-group forces). See the preceding footnote.

[8] Indeed, it would be odd (although not impossible) for both statements to hold exactly.

[9] Ando and Fisher, *op. cit.*

[10] This is not to deny, of course, the usefulness of inter-disciplinary work. The point is that the results of intra-disciplinary studies need not be vitiated because the real world is not so neatly divided as the academic one.

[11] Again, the use of past time is not a restriction; the past date can be last year or yesterday

Now suppose that the world is divided into several arms races in such a way that the armaments of a country in any one arms race depend principally on those of the other countries in the same arms race and relatively little on those of countries in other arms races. (This may not be a bad approximation; one might think of the Arabs and Israelis on the one hand and the East-West arms race on the other.) The system is then nearly completely decomposable and the Simon-Ando theorem predicts the following.

From the initiation of the various arms races (since they are at least slightly interdependent they will all begin at least nominally at the same time) until some time thereafter, each arms race will proceed approximately as it would in the absence of the other races. Indeed, this will continue until after the transient effects of different starting stocks of armaments have effectively disappeared. Once this has happened, there will come a time after which the stocks of various weapons for all the countries in each arms race will grow (or shrink or fluctuate) approximately proportionally, so that the influence of any one arms race on any other may be considered as that of an aggregate "country" with one aggregate stock of weapons on another, despite the fact that the influences among the countries and weapons making up the aggregates may be quite varied. Finally, in the long run, the size and rate of growth of every country's armament stocks at any period will be determined by the rate of growth of that arms race which would grow fastest in the absence of the other arms races, but the *relative* sizes of the weapon stocks within any one arms race will remain approximately the same as if no other arms races existed.

Now consider a somewhat different situation in which the world is again divided into arms races and the arms races are numbered such that armament stocks in any given country are functions of past stocks of other countries in the same arms race and of countries in lower-numbered arms races but only slightly of stocks of countries in higher-numbered arms races.[12] (This, too, may be somewhat realistic. On the one hand, the level of Pakistani armaments is affected by United States military aid; on the other hand, the level of United States armaments is hardly affected by Pakistani arms levels.) Then the system is nearly decomposable and the Ando-Fisher theroem yields results similar to those just presented in the nearly completely decomposable case. Perhaps it is worth remarking here that the theorem thus shows that a very rapid long-run rate of arms accumulation in a high-numbered arms race (say India-Pakistan or North and South Vietnam) can force the long-run rate of arms accumulation in a lower-numbered race (say U. S.-U.S.S.R.) to the same level but cannot more than negligibly affect the *relative* positions in the latter race.

For our second example, we turn to the voting strength of political parties. Suppose that there are several political parties and that the number of votes for any one party at a given time is a function of the number of votes for each party at some past time. For convenience, we shall assume a constant total population and that every individual votes for one and only one party. We shall further assume that the effect of past votes on present party strength can be represented for each party by a sum of terms, each term representing the probability of an individual who votes initially for a particular party changing his vote to the party in question, times the number of people voting for the initial party. Of course, individuals who stay in the same party are counted as going from that party to itself. It follows then that if we add the coefficients which give the probabilities of going from a particular party to all parties in existence, the

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or an hour ago. Similarly, influences in the further past can be formally subsumed under this model by redefinition. Finally, the formulation includes the case in which it is the *rate of change* rather than the *level* of the armament stocks which are dependent on past armaments. This sort of treatment of arms races originates with L. F. Richardson. See his *Arms and Insecurity* (Chicago, Quadrangle Books, 1960). Of course the stocks of armaments depend on other things such as economic resources; we are trying to keep the example as simple as possible. The functions in question are supposed to represent the strategic choices made by governments.

[12] They need not be functions of armament stocks in *all* lower-numbered races; one will do. Similarly, not every country in the given arms race need have such links; all that is required is that at least one does, so that the system, while nearly decomposable, is not nearly *completely* decomposable. It is also possible to analyze a case in which a part of a nearly decomposable system happens to be nearly completely decomposable.

sum must be unity, as every individual must end up somewhere.[13]

Thus, in equation form, let X_{1t} be the number of votes for the first party at time, t, X_{2t} be the number of votes for the second party at the same time, and so forth. We have (where there are n parties):

$$(1)\quad \begin{aligned} X_{1t} &= A_{11}X_{1t-1} + A_{12}X_{2t-1} + \cdots + A_{1n}X_{nt-1} \\ X_{2t} &= A_{21}X_{1t-1} + A_{22}X_{2t-1} + \cdots + A_{2n}X_{nt-1} \\ &\vdots \\ X_{nt} &= A_{n1}X_{1t-1} + A_{n2}X_{2t-1} + \cdots + A_{nn}X_{nt-1} \end{aligned}$$

Here, A_{11} is the probability of an individual voting for party 1 continuing to do so; A_{12} is the probability of an individual voting for party 2 changing to party 1; A_{21} is the probability of an individual voting for party 1 changing to party 2; and so forth. Clearly, all the A's must lie between zero and one, and the sum of the A's in any column must be unity.

Now consider any set of parties (a single party can count as a set). Ignore the fact that such a set may gain votes from outside itself and consider only its own internal workings. There will be in the long run a single probability that a randomly chosen individual voting for some party in the set will continue to vote for some party in the set at the next time period (he may move between parties in the set). Equivalently, without ignoring the fact that the set may gain votes from outside, we may consider the long-run probability that one of the people *originally* voting for some party in the set who has remained so voting through some particular time will continue so to vote for yet one more period; this comes to the same thing. (In either definition, we assume that every party in the set begins with a very large number of votes so that a zero vote does not become a problem save for parties which lose all their votes every time period.) We call that long-run probability the *cohesiveness* of the set. Clearly, it must lie between zero and one; the cohesiveness of any single party is the A coefficient in its own row and column (thus, for example, A_{11} is the cohesiveness of the first party taken alone); and the cohesiveness of all parties taken together is unity (since nobody can leave the system as a whole). In general, the cohesiveness of a set lies between the smallest and the largest probability of an individual voting for any given party in the set staying put or changing to another party in the same set (this latter probability is given by the sum of the A's in the column corresponding to the party in question and in the rows corresponding to all parties in the set including the initial one).[14]

Now suppose that the parties can be divided into sets such that the probability of an individual moving between sets is small relative to the probability of his remaining in the same set. Clearly, each set then has cohesiveness close to unity. The system is then nearly completely decomposable and the Simon-Ando theorem yields the following results:

Begin with any distribution of voting chosen at random. In the short run, the voting strength of each party will behave approximately as it would if there were no movements between sets of parties whatsoever. Moreover, there will come a time after which the ratio of the votes for any party to the votes for any other party in the same set will remain approximately constant. Thereafter, each set of parties can be treated as a single party for purposes of analyzing inter-set movements, with the cohesiveness of the set acting as the probability of remaining therein. Finally, even in the long run, the equilibrium distribution of relative voting strength *within* each set of parties will be approximately the same as if there were no inter-set movements, although the absolute number of votes involved may be quite different.

In this example, however, the more interesting case is that of near decomposability. Let us first consider what a truly decomposable system would be. This would occur if the parties could be divided into sets where the sets are numbered (from 1 to N, say) in such a way that nobody voting for a party in any set ever changes to a party in a lower-numbered set but such that there are non-negligible movements into higher numbered sets. Thus anybody in set N stays there; anybody in set $N-1$ either stays there or moves to set N; anybody in set $N-2$ either stays there, moves to set $N-1$, or moves to set N; and so forth. (Note that set N has cohesiveness 1; no other single set has cohesiveness 1, but set N and set $N-1$ together, set N, set $N-1$, and set $N-2$ together, and so forth all have cohesiveness 1). The sets are thus "nested," in the sense that all inter-set movements go toward the center which consists of set N.

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[13] A discussion of this general sort of model which aggregates from the individual level is given in T. W. Anderson, "Probability Models for Analyzing Time Changes in Attitudes," Chapter 1 in *Mathematical Thinking in the Social Sciences*, P. F. Lazarsfeld, ed. (Glencoe, 1954). It would be possible to abandon the probability interpretation and to let higher strength in one party lead to lower strength in another, but this would lead to an example without some of the nice features of the present one. It would also be possible to build in other influences on party voting strength. Again, we are striving for an illuminating example rather than for a full-blown "realistic" theory. The assumption that every individual votes for some party is innocuous, since we can count all those not voting for any formal party as voting for a party of their own, the "Non-such" Party.

[14] *Technical footnote.* Precisely, cohesiveness is given by the largest characteristic root of the submatrix of A's corresponding to the parties in the set. See F. M. Fisher, "An Alternate Proof and Extension of Solow's Theorem on Nonnegative Square Matrices," *Econometrica*, Vol. 30 (July, 1962) forthcoming. The fact that the root lies between the largest and smallest column sums is well known—see R. M. Solow, "On the Structure of Linear Models," *Econometrica*, Vol. 21 (January, 1952), pp. 29–46.

Now suppose that all sets begin with a very large number of votes (so that the fact that the lower-numbered sets will eventually lose all their votes is not a difficulty). Consider any set. A time will come such that thereafter the *relative* strength of the parties in that set is determined primarily by their tendency to attract voters from parties in the set with the highest cohesiveness among those sets that are not higher numbered than the set in question. (In the case of set N or of set 1, this is the set in question itself; in any other case, it need not be.) This is a reasonable result, because as time goes on the parties in the sets with the greatest cohesiveness will acquire more and more votes, so that, given the probabilities of any *single* voter moving among the sets, what happens to these sets becomes of increasing importance to all those sets of parties that acquire voters from them.

We now alter the assumptions and suppose that although the dominant inter-set movements are to higher-numbered sets, there are small movements to lower-numbered ones. (This may not be too unrealistic. We might think of set N as the major parties; there may be a far higher tendency to move into or stay in them than there is to move out.) The system is now only nearly decomposable and the Ando-Fisher theorem yields the following results:

Begin with any distribution of voting chosen at random. In the short run, the actual number of votes for each party will behave approximately as it would if the only inter-set movements were to higher-numbered sets. Moreover, there will come a time after which the *relative* distribution of voting among the parties within any set will remain approximately the same as would have been the case in the truly decomposable case earlier described. After this time, inter-set movements can be analyzed without regard for the voting distribution within the various sets. Finally these *relative* intra-set distributions will be approximately maintained even in the long run, although the absolute number of votes eventually cast for the parties in each set will depend almost wholly on the tendency of that set as a whole to gain voters from set N (which by this time is far larger than any other set).

Note that this result implies that an analysis of the *relative* strength of "minor" parties can proceed without explicit account of the tendency of such parties to gain voters from or even to lose voters to major ones, despite the fact that the latter tendency is large. So far as *relative* voting strength is concerned, all that matters are the various tendencies of the minor parties to lose voters to and gain voters from each other (and even some of these may be negligible). Even wide differences in tendencies to lose voters to (or gain them from) major parties need not be explicitly taken into account, provided only that the former tendencies are very strong relative to the latter, a rather surprising result.[15]

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[15] We are perhaps making this result sound a bit more paradoxical than it is. Different tendencies to lose voters to major parties do in fact matter and get taken into account in an implicit fashion. Since every party's voters end up *somewhere* (the sum of the A's in any column is one), a minor party with a high propensity to lose voters to major ones will have—*other things being equal*—a lower propensity to retain voters than a minor party with a lower propensity to lose voters to major ones. This will show up in considering their relative strength in isolation; however, it can be nullified by other tendencies if other things are *not* equal.

POSITIVE LIBERTY, 1880–1914

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It would not, I think, be entirely misleading to suggest that doctrines of *laissez faire* and attacks upon reasoned state intervention in political and social life have tended to emanate from two extremes in social philosophy—ultra individualism and an extreme organicism. In the first case, and we may take Locke as an example, society is made up of a heap of individuals who came together to form the state for the limited purpose of the protection of property.[1] Man is not seen as a part of a larger whole, influenced by the structure of that whole, but as an isolated individual; thus any state interference beyond the protection of property is viewed as a restriction of individual liberty. On the other hand are thinkers who regard society as such a complicated and delicate organism that they can only—and governments should only—sit back and gasp at the complexity of it all. Any attempt to improve one aspect will affect the balance of the whole in ways impossible to predict. It is difficult to point to a pure instance of this opinion, but this is the impression left with the reader after perusing such works as Burke's *Reflections on the Revolution in France*,[2] Hegel's *Philosophy of Right*,[3] Bradley's *Ethical Studies* and the works of some more modern conservatives.[4] All that governments can be expected to do is to prevent the worst collisions and any attempt to pursue a positive policy is doomed to failure.[5]

The group of thinkers with whom we are here principally concerned held neither view, and although they differed widely in their metaphysic of society, they avoided the extremes.[6]

I wish to distinguish the notions of freedom or liberty[7] with which we shall be concerned in this essay from other conceptions and misconceptions. It is, I think, possible broadly to differentiate two conceptions of freedom,[8] what

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[1] " 'tis not without reason that he [man] seeks out and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties, and estates, which I call by the general name, property." *Second Treatise on Civil Government* (1690), para. 123.

[2] Burke, of course, asserted the need for a means of change, but it is not clear how this is to function, and he does not appear to conceive of rationally determined action by the state.

[3] Hegel was not reactionary, as is sometimes asserted, but was gently conservative. If the philosopher were successful enough to achieve an understanding of society, his reflections would be of little use to the practical politician who must proceed in a somewhat hand-to-mouth fashion. Hegel was really a sceptic in politics.

[4] I am thinking, for example, of Professor Oakeshott, for whom political ideals can never guide the politician, and attempts by him to follow anything but intimations are sure to end in catastrophe; the only healer of social complaints worth considering is time. *Cf.* articles on rationalism in politics in *Cambridge Journal*, 1947. T. E. Utley also shows a similar scepticism based on complexity; *cf. Essays in Conservatism* (1947).

[5] Herbert Spencer, as we shall see, falls into both camps; he was an extreme individualist, and believed as well that "the social organism cannot be dealt with in any one part, without all other parts being influenced in ways that cannot be foreseen." "Over-Legislation" in *Essays Scientific, Political and Speculative* (1868 ed.), ii, p. 63.

[6] The possible exception is Bosanquet, whom we shall discuss at a later stage, but in many ways was hardly a liberal at all.

[7] I understand the two words "liberty" and "freedom" as synonymous and they will be used indiscriminately; efforts to distinguish between them appear to me not to have met with much success. In the following essay the terminology I shall use will, even when discussing the views of others who use different terminology, be my own as defined in the text, except when the contrary is explicitly stated.

[8] G. de Ruggiero in his *History of European Liberalism* (1927), pp. 350f, divides conceptions of freedom in roughly the same way as this, but names them differently, as does Professor Sir Isaiah Berlin, *Two Concepts of Liberty* (1958). Both these thinkers fail to distinguish the notion of positive liberty which it is the purpose of this essay to examine. The former tends to confound it with what he calls positive freedom—and what I call the realist conception of liberty, from which, as we shall see, it can fairly clearly be distinguished. The latter confuses it with what he calls negative freedom—what I call empiricist freedom in general, of which it is merely one variety. Professor Berlin seems to assume that only a fool could hold to what I call negative freedom without seeing that this implies positive freedom; it is certainly possible if one conception of society be held, and the distinction between extrinsic and intrinsic barriers be ignored, to slide

I shall call the *empiricist* and the *realist* notions, the former being subdivided into *positive* and *negative* (which can itself be broken down into *dogmatic* and *sceptical*), and the latter into *rationalist* and *idealist*. This is illustrated in the following diagram:

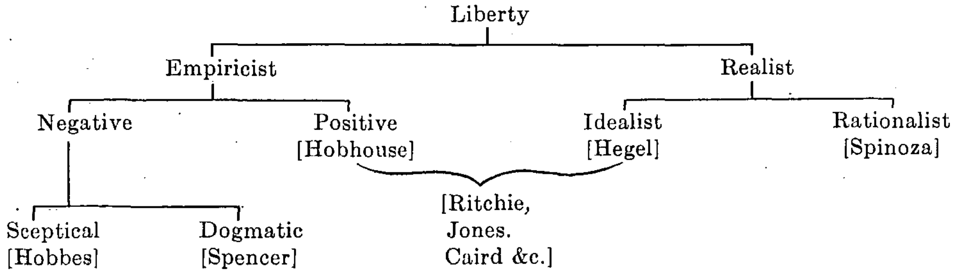

FIGURE 1. Diagram of conceptions of liberty

I

We shall first of all deal with the realist conception of freedom. In this way of thinking the term freedom is used to signify an objective situation which has little or no relation to the actual will or desire of the person who is said to be free. A free man is one who is doing either the right thing, or the reasonable thing, or the thing which is most in line with his nature. Two types of thinkers have adopted this conception of liberty. The first were the rationalists, like Descartes, Spinoza and, though in a somewhat different way, Rousseau. For Spinoza, a man is free when he is behaving rationally,[9] and when he is removed from the tyranny of his passions.[10] Rousseau believed that a rational man would willingly submit to the general will which is his will;[11] if he does not voluntarily submit, he can be compelled to do so, and thus "he will be forced to be free."[12] Idealist thinkers like Kant, Hegel, Green and Bosanquet had a similar notion of freedom, and owed much of their political theory to Rousseau.[13] Yet, for Hegel, self-consciousness is essential for a true freedom, and man must will the general will freely.[14] Hegel and his followers introduced into the realist notion of freedom a subjective element for which they have not always been credited; nevertheless it is true to say that for them the ethical life is primarily an objective situation into which the individual

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from one to the other. Nevertheless, Professor Berlin ignores the fact that many eminent thinkers from Hobbes to Spencer have been negative liberals without believing that this implies a positive element. Ruggiero, on the other hand ignores our positive liberals, and seems to assume that all forms of empiricist liberty imply realist liberty, though not in its most rigorous form. Berlin sees that negative and positive liberty have something in common and shows sympathy with the more positive elements in the empiricist notion of freedom (*op. cit.*, p. 8), yet he goes on to quote with evident approval Bentham's dictum that "every law is an infraction of liberty" (*ibid.*, p. 35). If what Berlin says on p. 8 is correct, then some laws increase the total liberty in a society (though not, of course, to the person coerced) and Bentham's statement is misleading. Thus Berlin's terminology leads to confusions, and to the idea that all laws decrease human freedom—implying a *laissez faire* attitude.

[9] "A free man is one who lives under the guidance of reason, who is not led by fear but who directly desires that which is good." *Ethics,* 4 Prop. 67. For Spinoza a man is free when led solely by reason (4 Prop. 68) and when self-determined (I. Def. 7.)

[10] Passions, however, cease to be passions when reason is applied to them and when we get a clear idea of them (5 Prop. 3).

[11] *Cf.* esp. *du Contrat Social,* 4:2.

[12] *Op. cit.,* 1:7.

[13] For his influence on Kant and Hegel, *cf.* Bosanquet, *Philosophical Theory of the State* (1951 ed.), ch. 9 and also for his influence on the author. For Green's debt to Rousseau *cf. Principles of Political Obligation,* paras. 64f.

[14] Hegel attacked the Platonic state in which people were pushed around, into jobs which they had no particular desire to do, and had no say in the matter, *Philosophy of Right,* Add. to para. 262; subjective freedom, which takes into account the desires and the aptitudes of individuals is essential to the ethical life, and it was, in his opinion, Christianity which first introduced this subjective element (Add. to para. 185). He attacked the view which tries to ignore passions in man and declared that all great actions have demanded an element of private interest and of self-seeking desires, *Philosophy of History* (E. T. 1894), pp. 24f.

freely fits himself. When we come on to discuss the positive liberals we shall see that many of them were idealists, and held a combination of the realist and the positive empiricist conceptions of liberty. Thinkers like Lord Acton and de Ruggiero, whom we shall not include in our discussion of positive liberty, appear to have rejected the extreme realist position as well as the empiricist position. For them a free man is not one who is actually doing what he ought to do—what is right or reasonable—but one who is in a position to do so.[15]

The empiricist conception of liberty is roughly that a person is free when he can do as he wishes. Nevertheless, complications arise here. If an individualistic conception of society be held, then it is thought that individuals can exist in a society without being greatly affected by that society, except insofar as the government imposes certain restrictions and obligations upon them; and the person who holds this view we shall denominate a negative liberal. The object is to leave men alone as much as possible; all state intervention is regarded as bad, and must be limited to the protection of life, or of life and property. We may take Hobbes as an example. For him a man is free when he can do as he wishes, when there is no external impediment placed in his way.[16] In the state there should be as much liberty as possible,[17] which for Hobbes meant as little law as possible.[18] He was a negative liberal because he does not appear to have conceived the possibility of laws increasing human freedom, and he did not hold, with the positive liberals, that a man is more free in a situation where he can fulfill many choices than in one where he can fulfill a few or only one, as long as the impediments are not external.[19] A man is unfree only insofar as he cannot do what he wishes; the fact that he cannot, through ignorance, wish otherwise than he does, is irrelevant.

Another negative liberal whom we shall discuss at a later stage is Herbert Spencer, and I only mention him now for the purpose of drawing a distinction between two sorts of negative liberals. While all positive liberals were or are dogmatic, not all negative liberals were or are. For Hobbes in the *Leviathan* liberty is only an optional extra which the sovereign will find it convenient to grant; there can be no moral right to any liberty on the part of the subjects; politics is not concerned with liberty and the subject must be content with as much as the sovereign "shall think most convenient."[20]

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[15] Liberty is "not . . . the power of doing what we like, but the right *of being able to do* what we ought," wrote Acton, *The Rambler* (1860), p. 146 (my italics). *Cf.* also; "By liberty I mean the assurance that every man shall be protected in doing what *he believes* his duty against the influence of authority and majorities, custom and opinion." *The History of Freedom*, p. 3 (my italics). This latter definition is somewhat more subjective than the former. De Ruggiero declared that by "recognizing as the only form of freedom the freedom to do right" we should destroy this freedom itself (*op. cit.*, p. 356). T. H. Green appears to have held a somewhat similar position; *cf.* pp. 120., *infra*.

[16] "A *free agent* is he *that can do if he will*, and *forbear if he will;* and . . . *liberty* is *the absence of external impediments.*" *Of Liberty and Necessity*, *English Works* (1840), iv, pp. 275–6. The concept of liberty applies in Hobbes's thought to inanimate as well as to animate bodies, and an object which is tied down is to that extent unfree; *Leviathan*, ch. 21. The constraint, however, must be external. If a man is sick, Hobbes does not say that he is unfree to get up; water is not unfree when it cannot go uphill; *Liberty and Necessity*, *E.W.*, iv, p. 174. There is no opposition between freedom and necessity, the will is determined in its decisions as all things are, and a man is free when he can carry out these decisions; *Leviathan*, ch. 21. He is clear that if a body lacks the power to do something it is not to be called unfree, but if this power—perhaps financial means—could have been supplied by the state and was not, would Hobbes say that a poor man was constrained in this matter? Probably not.

[17] It is bad, he thought, "that there should be more laws than necessarily serve for the good of the magistrate and his subjects." *De cive*, in *E.W.*, ii, p. 178.

[18] "The liberty of a subject lieth therefore only in those things, which in regulating their actions, the sovereign hath prætermitted." *Leviathan*, ch. 21.

[19] "Extrinsical causes that take away endeavour, are not to be called impediments." *Liberty, Necessity and Chance*, *E.W.*, v, p. 352. Thus, for Hobbes, ignorance is not an impediment, and education not a means of increasing liberty.

[20] *Leviathan*, ch. 21. Efforts to prove that Hobbes was a liberal are not particularly successful. It is true that Hobbes's sovereign might decide to be liberal, and Hobbes hoped that he will, but there can be no moral obligation upon him to do so. Hume is another sceptical liberal, who saw liberty as something which might as well be allowed, because there are some things which governments just cannot enforce; it is not for him a positive value in politics. The world is too young declares the sceptic, to discover truth or right, and

Liberty is the residue which may or may not remain after the sovereign has finished; it is desirable that there should be liberty but there is no moral necessity to give as much of it as possible in each situation. Liberty is not for Hobbes one of the ends of politics. Spencer on the other hand held that the purpose of politics is the development of character and that the best way for character to develop is by leaving people as far as possible free to do as they wish.[21] Liberty for him is a positive value which it is the purpose of the state to maintain, as far as maybe, within a system of order and peace.

By positive liberal I mean a person who holds an empiricist conception of liberty, but together with this accepts a view of society which is somewhat different from that of the negative liberal. He believes that liberty is an end—or the end—in politics, and holds that liberty means the ability to do what one chooses; but also he holds that as a man cannot wholly escape the influence of other individuals, of groups and of society at large, there may be cases in which the state can intervene with coercive measures which, while reducing the freedom of the person coerced (at the time he is coerced, at least[22]), increase the freedom of others who were perhaps in the power of the person legislated against. There is, thinks the positive liberal, a coercion by society which can be quite as restrictive of individual freedom as coercion by the state. In addition to this he holds a slightly different view of liberty from that of the negative liberal. Not only does he believe, in Hobbist terminology, that external impediments (such as poverty) can be removed, and the range of fulfillable choices thus extended—which many of the negative liberals would have rejected—but also that some internal impediments can be removed. A person who is so ignorant that he does not know of the existence of certain alternatives and is thus not in a position to will them, is not, for the negative liberal, for this reason unfree. The negative liberal does not consider it possible or even relevant that the whole range of possible choices can be enlarged by government action. Thus there is a fairly clear distinction between our negative and positive liberals, in that the latter believe (a) that a person's freedom is limited in society anyway, and that the total freedom can be increased by coercing some people,[23] and (b) that the whole range of choices open to people can be enlarged by the removal of both external and internal impediments through government action. There were probably only a few pure instances of positive liberalism in our period; I shall, however, take L. T. Hobhouse as the paradigm case, most of the others we shall discuss being to a greater or lesser extent under the influence of idealist philosophy.

II

Having distinguished our concepts, we must now proceed to an examination of the clash between negative and positive liberals in the period 1880–1914. First we shall look at the negative liberals, who became vocal and in some cases aggressive in this period owing to the great increase of governmental activity, which partly also inspired (and was partly inspired by) the proponents of positive liberty.

In 1854 an essay of Wilhelm von Humboldt (originally written in 1791) was translated into English and had a considerable influence.[24]

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politics must be conducted as a matter of pure convenience; *cf.* "Of Civil Liberty," in *Essays,* 1:12. Liberty is "attended with so few inconveniences" that it might as well be granted as not; *cf.* 'Of the Liberty of the Press; in *ibid.,* 1:2. This distinction between dogmatic and sceptical liberalism is a vital one and is too often ignored.

[21] *Principles of Ethics,* para 380 (1900 ed., ii, p. 251).

[22] The question of time has sometimes been ignored in this context. The empiricists were right in saying that a man cannot be forced to be free; freedom is an ability to choose, and if you coerce a person you cannot *at the same time* increase his freedom: I think, though, that it is possible to coerce a person at time t and by doing so increase his freedom at time t′. An illustration might help. You can coerce a man by preventing him from going to a hypnotist, or from taking drugs, which in itself is an infringement of his liberty; yet this action might increase his freedom at a later date, because if he had been hypnotised or taken the drugs, he would not be in the position to make any choices at all. This is not, however, to say that restrictive action will always (a) increase the total freedom, and (b) work. This argument is distinct from the realist argument, which allows that a man would be following his real will in not going to the hypnotist, and thus would be forced to be free *at the same time* as he was being coerced.

[23] A. D. Lindsay pointed out that an increasingly interdependent society would manifest the need for more state intervention, even under the old conception of the state as the protector of negative liberty. "The State in Recent Political Theory," *The Political Quarterly,* February 1914, p. 143.

[24] The title was *The Sphere and Duties of Government.* Herbert Spencer claimed not to have read this book; "Specialized Administration," in

Humboldt preached a gospel of governmental limitation, arguing that

> the State is to abstain from all solicitude for the positive welfare of the citizens and not to proceed a step farther than is necessary for their mutual security and protection against foreign enemies; for with no other object should it impose restrictions on freedom.[25]

J. S. Mill was duly impressed by Humboldt's book and used a passage from it as the text for his great manifesto of Victorian liberalism. Mill, who in his essay *On Liberty* stressed the negative side of governmental duties, moved slightly in the direction of collectivism and was loudly proclaimed by the Fabians to have become almost one of them.[26] Of Herbert Spencer, on the other hand, it has never been said that he moved towards socialism; indeed he was accused of retreating from his previously sympathetic attitude towards the laboring classes.[27] Spencer was certainly one of the most influential writers on politics and philosophy among English-speaking people[28] in the second half of the nineteenth century, and he has received less than justice at the hands of philosophers and historians.[29] Spencer held an organic view of the nature of society,[30] but was, at the same time, an individualist who passionately believed in a limited state. The state is a mechanical creation existing for the purpose of maintaining law and order and a situation of equal freedom for the members of society. Like Mill[31] he denied that the state should ever intervene to protect a man from himself.[32] Freedom, for Spencer as for Hobbes, meant merely the non-existence of external impediments to the fulfilment of a man's wishes; unlike Hobbes, however, Spencer held that to be barriers to freedom these impediments must have been caused by human beings.[33] As society evolves from the militant type, where people are regimented into doing things, to an industrial society, where their position is determined by a contract into which they have freely entered, state activity will gradually diminish and voluntary activity will take the place of compulsion. Instead of being subordinated to the state, as in militant society, the personality of the citizens is respected,[34] and industrial society, he thought, would be characterized by an increasing heterogeneity, and by more scope for individual choice.[35] He objected to the state intervening, not only because it is harmful for individual liberty, but also because he regarded the state as incompetent and inefficient.[36]

Spencer recruited the theories of evolution and the survival of the fittest to support his belief in non-interference. Progress is achieved, he thought, by a process of the weak being sorted out and the strong being allowed to survive.[37] It is wrong to intervene in the course of nature, which is gradually improving the race,[38] and any organized attempt to do so (he did not include limited private benevolence)

Essays Scientific Political and Speculative (1874), iii, p. 166.

[25] *Op. cit.*, p. 44.

[26] "Every edition of Mill's book [*Principles of Political Economy*] became more and more Socialistic. After his death the world learned the personal history, penned by his own hand, of his development from a mere political democrat to a convinced Socialist." *Fabian Essays* (1889), p. 58; *cf.* also p. 56, and Sidney Webb, *Towards Social Democracy?* (1919), p. 38. It is true that Mill declared that the ideas of himself and of Mrs. Taylor "would class us decidedly under the general designation of Socialists." *Autobiography* (World Classics ed.), p. 196. A glance at the much vaunted fourth part of the *Principles*, however, confirms the suspicion that in many ways he was only a socialist in the sense that all late Victorians were said to be.

[27] *Cf.* his reply to the charge in *The Man versus the State* (1940 ed.), pp. 52–3.

[28] He had a great influence in the United States, of course; *cf.* R. Hofstadter, *Social Darwinism in American Thought* (1955 ed.), pp. 31f.

[29] None of his works, for example, appear in the syllabus of the "Theories of the Modern State" paper in the Cambridge history tripos.

[30] *Cf.* "Over-Legislation," in *Essays*, ii, p. 71; also *Principles of Sociology*, paras. 213f (1877 ed., i, pp. 466f) and "The Social Organism," in *Essays*, i, pp. 386f.

[31] "The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant." *On Liberty*, ch. I.

[32] *Cf.* "Over-Legislation," in *Essays*, ii, p. 55.

[33] Man can be under either a human or a natural master. "When he is under the impersonal coercion of Nature, we say that he is free; and when he is under the personal coercion of someone above him, we call him, according to the degree of his dependence, a slave, a serf, or a vassal." "From Freedom to Bondage," in T. Mackay, ed., *A Plea for Liberty* (1891), p. 6.

[34] *Principles of Sociology*, para. 564, ii, p. 697.

[35] "Progress: its Law and Cause," in *Essays*, i, p. 50.

[36] "Over-Legislation," in *Essays*, ii, pp. 67f.

[37] *Cf. Principles of Sociology*, para. 438, ii, pp. 240f.

[38] *Cf. The Man versus the State*, p. 78.

will lead to a likely degeneration of the race.[39] Thus the state, which for some reason he regarded as unnatural, must not intervene more than is necessary for the protection of life and property; any further intervention is both immoral and inexpedient.[40] The less the state interferes, the more freedom there is for individuals, and this is the important thing. He does, however, appear to have believed that the liberty it is possible to grant to a people is limited in each generation.[41]

Spencer was not alone in his negative liberalism. In 1881 several men, including Wordsworth Donisthorpe and Auberon Herbert banded together to form a Non-Interference Union which was, however, still-born. In the following year their union was more fruitful and was blessed with increase in the form of The Liberty and Property Defence League, which gloried in the motto "Self-help versus State help." A growing amount of governmental intervention in a variety of spheres—in postal services, factory legislation, shipping regulation, sewage, housing and in other fields—had effected this union of such motley types as old-fashioned individualist radicals, aristocratic conservatives and barristers. The Earl of Pembroke, a stalwart of the League, believed that state intervention would inevitably fail, and that in the ensuing misery more demands would be made on state action until the situation got worse and worse.[42] The ideas of Donisthorpe and Herbert (who, in the words of D. G. Ritchie, "if one may be allowed the expression out-Herberts Mr Herbert Spencer in his advocacy of *laissez faire*"[43]) are interesting in their own right and not merely as echoes of the voice of Spencer. Donisthorpe was probably the most acute of the Spencerians; he once suggested the idea of voluntary taxation—described by its opponents as passing the hat round—but dropped the idea as soon as it was adopted by Herbert and others.[44] Although there can, according to Donisthorpe, be no legal limitation upon the state (he was a lawyer) there can and should be a political limitation imposed from within;[45] he rejected the idea that there is any single principle to determine the limits of state intervention, pointing out, as others had before him,[46] that Mill's attempt falls to the ground owing to the fact that almost all acts are partly other-regarding.[47] There is, he believed, no general principle in the matter, and we must rely on "those middle principles which originate in experience and are verified by experience."[48] Herbert, on the other hand was more optimistic in this matter; "I would therefore beg you," he wrote,

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[39] "Society in its corporate capacity, cannot without immediate or remoter disaster interfere with the play of these opposed principles under which every species has reached such fitness for its mode of life as it possesses, and under which it maintains that fitness." *Ibid.*, p. 80. For another example of the conservative influence of evolutionary theory reference can be made to Sir Henry Maine, who praises "the strenuous and never-ending struggle for existence, the beneficent private war which makes one man strive to climb on the shoulders of another and remain there through the law of the survival of the fittest." *Popular Government* (1890 ed.), p. 50.

[40] *Cf.* "Prison Ethics," in *Essays*, ii, pp. 212–3.

[41] "There seems," he wrote, "good reason to think that the degree of liberty a people is capable of in any given age, is a fixed quantity; and that any artificial extension of it in one direction, simply brings about an equivalent limitation in some other direction." "Parliamentary Reform: the Dangers and the Safeguards," in *Essays*, ii, p. 378.

[42] Address to the members of the Liberty and Property Defense League in *Political Letters and Speeches* (1896), p. 183.

[43] *Principles of State Interference* (1902 ed.), p. 57n.

[44] Donisthorpe, however, in the first place, only suggested the voluntary system for non-essentials, while there would be a system of compulsory taxation for such things as defense. Herbert embraced the idea with his usual radical enthusiasm, advocating the abolition of all but voluntary taxes; *cf.* his *The Right and Wrong of Compulsion by the State* (*For Liberty*) (1885), pp. 43f. Donisthorpe explained his own position in *Law in a Free State* (1885), p. 13.

[45] "The Limits of Liberty," in T. Mackay ed., *op. cit.*, p. 64. Another negative liberal wrote in the same vein, "It cannot be too carefully remembered that almost every clause of an act of parliament, if it have any force or effect at all, takes away a liberty from somebody, because it must of necessity speak of something which shall or shall not be done where before it was optional." Bruce Smith, *Liberty and Liberalism* (1887), p. 252. He went on to say that the situation in Britain was as good as could be expected, and that the policy of liberalism should be "to *preserve* that state of things." *Ibid.*, p. 253.

[46] The Earl of Pembroke, *Liberty and Socialism*, pp. 82f, and J. F. Stephen, *Liberty, Equality, Fraternity* (1874 ed.), Preface to 2d. ed., p.x.

[47] "The Limits of Liberty," *op. cit.*, pp. 70f. Mill, of course, realized this; his distinction was rather between those things which affect others directly and those which only affect them indirectly.

[48] *Ibid.*, p. 75.

> to reject with scorn that idle and unmeaning creed which is so much in fashion to-day, of refusing to seek for general principles, and hoping to extract from the circumstances of the moment the right way of dealing with them.[49]

The limited duty of the state should not include the provision of services such as drainage, gas lighting or the enactment of such things as compulsory vaccination or factory legislation; the state should merely provide adequate and readily available legal machinery whereby citizens can claim damages when they catch disease from their neighbor's sewage, when their baker sells them adulterated bread, and when their husbands are devoured by the unfenced machinery of employers.

These thinkers, however, were not only opposed to state intervention but also to the existence of powerful groups in society. Donisthorpe thought that too much attention was being paid by individualists to the tyranny of the state; the laws of the church or of the jockey club could be quite as "socialistic" as those of the state.[50] "I affirm," he declared,

> that a people might utterly abolish and even extirpate the State, and yet remain steeped to the lips in socialism of the most revolting type.[51]

Spencer looked with no great favor upon trade unions,[52] though neither he nor his followers would have wished to legislate against any of these combinations; it was, in their opinion, up to the members of these associations to act.[53] The concept of evolution was used by these men, just as it was by their master, to refute the advocates of state intervention, and any interference with "the course of nature" was conceived as barring the way to progress.[54]

Many of the negative liberals maintained that liberty is diametrically opposed to law. J. R. Seeley, for example, thought that liberty is not merely the opposite of over-legislation, but of law and government itself. "There cannot," he said,

> be in a state perfect liberty, for perfect liberty is equivalent to total absence of government, and where government is absent there can be no state.[55]

Nevertheless, there was, for Seeley, an inferior sort of liberty to be found in the state, and it exists in inverse proportion to the number of laws; we do not ask what the laws are like, good or bad, but how many there are.[56] Auberon Herbert accepted much of this.[57] Donisthorpe, on the other hand, said some things which indicate an interstice in the negativist armor which was to be exploited by the positive liberals. "All law," he wrote,

> is a restriction on liberty. It is a peculiarity of good law that it gives more liberty with one hand than it takes away with the other. The reverse is true of a bad law.[58]

The door was open to a new view.

III

It is now time to discuss how this last admission by one of the school of negative liberals was exploited by believers in a positive notion of liberty, and how these new liberals (or as Spencer called them, New Tories) attacked the idea that evolutionary theory leads to a belief in "let be." If we say that T. H. Green was the great prophet of positive liberalism, this must not be taken to mean that he was a pure instance of the logical type; he was strongly influenced by what I have called the realist conception of freedom, although he would not be denominated an extreme realist in this matter.

In 1881 Green gave a lecture entitled "Liberal Legislation and Freedom of Contract," which was to be the manifesto of the positive liberals who followed him. He had laid the theoretical basis of his liberalism in his Oxford lectures on political obligation. Society is not, he had declared, merely a collection of self-sufficient individuals come together to protect property, with natural rights which they bring into society and have against society; rights must be recognized or they are mere "powers"[59]—like the natural right in Hobbes's state of nature. The state exists for maintaining the conditions of the good life which can only be lived in common, and this common pursuit of the good must be recognized by society and by its members. "There are," he wrote,

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[49] Herbert, *op. cit.*, p. 14.

[50] "The Limits of Liberty," p. 91; *cf.* also "I have recently examined the rules of some of the principal London clubs, and I find that they are, many of them, [presumably he means the rules and not the clubs!] largely socialistic." *Ibid.*, pp. 91–2.

[51] *Ibid.*, p. 92.

[52] "From Freedom to Bondage," in T. Mackay, ed., *op. cit.*, pp. 20f.

[53] *Cf.* G. Howells, "Liberty for Labour," in T. Mackay, ed., *op. cit.*, p. 110.

[54] E. S. Robertson, "The Impracticability of Socialism," in *ibid.*, p. 31.

[55] *Introduction to Political Science* (1902 ed.), p. 119.

[56] *Ibid.*, p. 121.

[57] *Cf. For Liberty*, pp. 5–6.

[58] *Law in a Free State*, p. 17; *cf.* also "But liberty and lawlessness should not be confounded, one with the other; they are separate and distinct, legally and morally. Individual liberty is consistent with law and order, and the ideal of a State is reached in proportion to the individual liberty attained, and the order which is maintained, in the commonwealth of a free people." George Howell, "Liberty for Labour," in T. Mackay, ed., *op. cit.*, p. 109.

> no rights antecedent to society, none that men brought with them into a society which they contracted to form.[60]
>
> If the common interest requires it, no right can be alleged against it.[61]

The freedom which we aim at is not merely a lack of restraint, but "a positive power or capacity of doing or enjoying something worth doing or enjoying."[62] It should be noted that the freedom spoken of is not the power to do as one wishes, but the power to do something worthwhile. To increase "true freedom," the state must not provide the means for a man to do as he desires, but the means for him to make the best of himself.[63] If this takes one step backwards from the concept of freedom as doing as we like, which Spencer and the empiricists had endeavored to establish, it takes two forward in the direction of positive freedom by the idea that society can often do much to provide the power or the means for someone to do something, and thus increase individual freedom. In one of the most significant statements of the decade Green declared that if indeed freedom be taken in a positive sense then

> we are right in refusing to ascribe the glory of freedom to a state in which the apparent elevation of the few is founded on the degradation of the many.[64]

It was left to later thinkers to develop the concept of positive liberty in its application to political life. We shall, for the purpose of convenience divide these into three groups, first the idealist positive liberals, secondly a group of practical politicians, and finally we shall look at the purest instance of positive liberty in our period.

In the whole of this movement the influence of Oxford University will be apparent. Green was at Balliol; Edward Caird was a fellow of Merton from 1864 to 1866 and after a long period in Scotland returned to Oxford in 1893 as Master of Balliol; D. G. Ritchie was a fellow of Jesus College and later professor at St. Andrews in Scotland; Sir Henry Jones had a connection with Oxford through his teacher Edward Caird[65]—he was at Bangor for some time and later returned to Glasgow; others such as Arnold Toynbee should also be mentioned in this context. After imbibing their social philosphy from such men as Green and Caird, the younger men went out into the provincial universities not merely to teach, but also to follow Green's example and play a full part in civic life; they helped to found trade unions,[66] joined city councils and lectured to business men on the moral obligations of citizenship.[67]

Almost all this first group of positive liberals held a conception of liberty which was greatly influenced by what we have called the realist notion of liberty. "It is," stated Sir Henry Jones,

> only the pseudo freedom of irrational caprice which has been limited. Nor has the state invaded any rights in such action; for the liberty to do wrong is not a right, but the perversion of a right and its negation.[68]

F. C. Montague, another Oxford thinker in this group, declared that what is important is not liberty to do as we like—this is not real freedom; rightly conceived, freedom is the release from instinct and thoughtless desire.[69]

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[59] *Principles of Political Obligation*, para 31.

[60] *Ibid.*, para. 30.

[61] *Ibid.*, para. 99. "There is no right 'but thinking makes it so'," para. 136.

[62] "Liberal Legislation and Freedom of Contract," in *Works* (1885), iii, p. 371.

[63] ". . . the mere removal of compulsion, the mere enabling a man to do as he likes, is in itself no contribution to true freedom . . . the ideal of true freedom is the maximum of power for all members of human society alike to make the best of themselves." *Ibid.*, pp. 371–2.

[64] *Ibid.*, p. 372.

[65] "I was born," he wrote, "in Llangernyw in 1852, and born again in 1876 in Edward Caird's classroom." H. J. W. Hetherington, *Life and Letters of Sir Henry Jones* (1924), p. 20n.

[66] Henry Jones and J. H. Muirhead, *The Life of Edward Caird*, p. 20.

[67] Henry Jones, *The Working Faith of the Social Reformer*, pp. 262f.

[68] *Ibid.*, p. 10. This can also be seen in an earlier essay, "The Social Organism," in A. Seth and R. B. Haldane, eds., *Essays in Philosophical Criticism*, p. 201.

[69] *The Limits of Individual Liberty* (1885), p. 122.

Ritchie was a follower of Hegel and attempted to recruit him for the cause of state intervention,[70] pointing out a possible implication of Mill's man on a rotten bridge,[71] which Bosanquet was later to use.[72]

The positive liberals thought that a much wider conception of liberty than that held by the old liberals was necessary; education, they argued, extends the freedom of citizens.[73] Insofar as liberty is to be regarded as an end in politics it is not opposed to law, but on the contrary relies upon law for its maintenance.[74] "The civilized state does more for its citizens than the barbarous state," Jones observed, "and at the same time enables them to do more for themselves."[75] Cliffe Leslie had made the same point in 1861—that the individual is not free to do something if he has not the means and the power to do it.[76] This conception of liberty as including the power to do things was explicitly or implicitly rejected by the old negative liberals,[77] and even if they held it their individualistic conception of society would have led them to minimize the number of hindrances which could be hindered by state action.

The positive liberals in this period held a conception of society, not simply as a heap of atoms, but as a community of mutually interacting beings; these beings are continually influencing each other and there is always the possibility of the state intervening to prevent coercion and so increase liberty. The old liberalism had taught—and quite rightly according to the new liberals—that many old restrictions had become unnecessary and ought to be removed; their aim was increased liberty and their means were the removal of antiquated restraints and prohibitions. Their work had been well done, but something more was needed; the positive liberals were dissatisfied with the system of "despotism tempered by partial anarchy"[78] which was the logical result of the individualist philosophy of many of the negative liberals. Ritchie pointed out how liberalism had come to be associated with a negative state policy.[79] Yet there is, he argued, no inconsistency in the same party struggling for the removal of bad restrictions and also for the imposition of good ones, both for the purpose of increasing freedom.[80] State and civic enterprises had greatly multiplied and yet so far from diminishing the realm of individual freedom they had enlarged it.[81]

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[70] "Put together Hegel's resuscitation of the Hellenic conception of the State with his declaration in the *Philosophy of History*, that the end of the modern State is to realize the positive freedom of all, and it becomes obvious enough that, though the advocate of *laissez faire* will not relish Hegel's politics, he will have more reason to blame him for (unconsciously it may be) begetting socialism than for supporting the old *régime*." *Mind*, Vol. 13 (1888), p. 434.

[71] *Principles of State Interference*, pp. 86f., though he does not accuse Mill of holding a theory of the real will without knowing it.

[72] *Philosophical Theory of the State*, pp. 64f.

[73] D. G. Ritchie, *Natural Rights* (1895), pp. 139–40.

[74] D. G. Ritchie, *The Moral Function of the State* (1887), p. 9; *cf.* also "Evolution and Democracy," in Stanton Coit, ed., *Ethical Democracy* (1900), p. 27.

[75] *The Working Faith*, pp. 143–4.

[76] "Practical Freedom involves much more than the absence of legal and social restraint; every limitation of power is an abridgement of positive liberty. A man is not free to go from Shropshire to London . . . if the journey is too long and expensive for him; nor is he actually free to develop a powerful intellect if education lies beyond his reach." "The Individual and the Crowd," in *Essays in Political and Moral Philosophy* (1879), pp. 19–20.

[77] One of them rejected the idea in explicit Hobbist terminology: "No one now-a-days would seriously contend that one citizen should possess better opportunities than another. It is admitted, on all hands . . . that *every* citizen should be *free* to *attempt* anything which his fellow-citizens are allowed to do. . . . There is a great difference between giving a man the *liberty* to do anything, and supplying him with the *means* with which to do it. This distinction has been clearly stated by Hobbes. . . . True Liberalism would give to every man the liberty to do anything which his fellow-citizens are allowed to do; but Socialism is not content with *liberty* only: it wants the state to confer the *power* also, that is to say the means." Bruce Smith, *op. cit.*, p. 434. The distinction between opportunity—in any substantial sense of the term—and means or power is prodigiously deep.

[78] *Studies in Political and Social Ethics* (1902), p. 58; *cf.* "Arbitrary freedom (of the individual) and arbitrary despotism (of Caesar or the State) are not mutually exclusive. They are only a dual phenomenon of the same situation. They may struggle with each other more or less, but by nature they are allies." F. Tönnies, *Community and Association* (E. T. 1955), p. 235.

[79] *Principles of State Interference*, pp. 137–8.

[80] *Ibid.*, pp. 7–8.

[81] "Is it," demanded Sir Henry Jones of the new idea of the positive state, "a mammoth State,

The state might, argued the positive liberals, take over more things and at the same time leave a wider range of choices open to individuals. Those who worked in the mines with no effective choice, being compelled by economic necessity, were not really free; Jones wrote of them:

> They really are as little free as an instrument is free from the manipulation of the man who plays on it.[82]

It is possible, as James Seth pointed out, that by intervening in the economic sphere, the state can secure greater power and freedom to its members.[83] Property, thought Jones, is essential for individual freedom, and the fact that it is sometimes the means of selfishness and greed is no reason to abolish it; property is also the condition of many virtues such as generosity.[84]

This school of positive liberals rejected the idea that the state exists merely to maintain the *status quo* in matters of property, and to keep the citizens from each other's throats. Ritchie ridiculed the Spencerian conception of society with no state intervention except to provide means for criminal and civil redress; the amount of litigation would be too great for a tolerable society, and most men would not have the time to engage in it.[85]

Another important plank in the Spencerian platform was attacked most effectively by Ritchie and others. This was the use of evolutionary theory to bolster up theories of *laissez faire*. Progress is not the same as evolution,[86] they pointed out; progress is achieved by the diminution of waste, while

> The mere struggle for existence between individuals means waste unchecked. The State, by its action, can in many cases consciously and deliberately diminish this fearful loss; in many cases by freeing the individual from the necessity of a perpetual struggle for the mere conditions of life, it can set free individuality and so make culture possible.[87]

Rational selection must come to take the place of natural selection, which is a cruel and wasteful process.[88] Nature is non-moral, and must be governed by moral forces.[89] In an address to the Oxford branch of the Guild of St. Matthew, Ritchie remarked upon the curious way in which those who were most suspicious of the state with a big "S" were willing to throw themselves into the hands of nature with a very large "N."[90] John Caird similarly remarked that civilization is the result of a struggle with the irrational aspects of nature, rather than of a meek submission to natural processes.[91] T. H. Huxley lent the weight of his prestige to this assault against Spencerian biopolitics. The natural process must be checked by rational and ethical forces, he maintained in his Romanes Lecture of 1893; it is the ethically fittest who should survive.[92] Ethical beliefs, the scientist observed, may be a part of the evolutionary process, but this is no reason why they should not govern it;[93] neglect of this fact leads to what he called "the fanatical in-

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a Leviathan, gradually absorbing its citizens into itself, annihilating their private wills and all the good and evil which springs therefrom . . . ? Or is it a country whose people are more free, whose private wealth is greater, whose individual enterprises are more far-reaching . . . ? It is possible that the State as a single organism grows in power, even as its citizens acquire freedom." *The Working Faith*, pp. 103–4.

[82] *Life and Letters of Sir Henry Jones*, p. 232.

[83] *A Study of Ethical Principles* (1908 ed.), p. 291; *cf.* also Jones, *The Working Faith*, p. 105.

[84] *The Working Faith*, p. 96.

[85] *Principles of State Interference*, pp. 60–1.

[86] "Every careful biologist (the qualification is unfortunately necessary) recognizes that evolution is not identical with what we mean by progress. Even in the biological sphere, success in the struggle may be attained by degeneration as well as by advance." Ritchie, *International Journal of Ethics*, Vol. 5 (1894–5), p. 110.

[87] *Principles of State Interference*, p. 50. This is not to say that a study of evolution is unnecessary. By studying what has been we are able to see the possibilities for the future, and are able to make use of them; *cf. The Moral Function of the State*, pp. 5–6.

[88] *Darwinism and Politics* (1889 ed.), p. 82; *cf.* also *Natural Rights*, p. 64.

[89] *Philosophical Studies* (1905), p. 334.

[90] *The Moral Function of the State*, p. 7. Spencer seems to have recognized the distinction between the fittest and the best. "Very often," he wrote, "that which humanly speaking is inferiority, causes the survival." "Mr. Martineau on Evolution," in *Essays*, iii, p. 242. Yet he continued in his political writings to argue as though they were the same.

[91] "It is because man is a spirit and not an animal that history is the record of a progress to which the biologist expert has no key. Civilization is not the result of the forces of nature, but the issue of a struggle with them." *University Addresses* (1898), p. 259.

[92] "Evolution and Ethics," in *Collected Essays* (1895), ix, p. 81.

[93] *Ibid.*, p. 115.

dividualism of our time."[94] Darwin himself was always cautious in expressing his views on these matters, but he seems to have held the opinion that while the development of the moral sense itself can largely be attributed to natural selection, its content is due much more to education, habit and religion.[95]

Simply because ethical ideas have evolved by natural processes we are not, thought Ritchie, justified in believing that they are therefore invalid; the origin of an idea must be distinguished from its validity. The logical principle of contradiction and the ethical idea of duty come to man in the process of evolution, but they are not therefore inapplicable.[96] We might be able to explain how a few individuals came to own a large proportion of the country, but this is no justification or condemnation of their doing so at the present time; this, he argued, must be sought in social utility.[97]

The second group of people to be dealt with are the politicians, in particular H. H. Asquith, R. B. Haldane, Edward Grey and Herbert Samuel. These men followed closely the ideas of the philosophers already discussed. For them liberty was a positive concept and they believed that the old negative idea must be superseded. Asquith went up to Balliol in 1870 and became an ardent admirer of T. H. Green, though more, perhaps, with regard to his social and political ideas than to his philosophy which was always something of a mystery to the politician.[98] A mere freedom from compulsion and restraint does not make men free; "To be really free," he wrote, "they must be able to make the best use of faculty, opportunity, energy, life."[99] He based his election address of 1892 upon this positive notion of freedom; it was this, he thought, which justified the Liberal Party's insistence on more state intervention. "I am one of those," he declared,

> who believe that the collective action of the community may and ought to be employed positively as well as negatively; to raise as well as to level; to equalize opportunities no less than to curtail privileges; to make the freedom of the individual a reality and not a pretence.[100]

He maintained these views on liberty to the end of his life.[101] It is this concept of positive liberty which led to the progressive attitude of liberals on such questions as education, housing, and factory legislation; however, elements of the realist conception of freedom remained in the Liberal Party's attitude to the drink question, although by a tortuous process it is possible to justify temperance legislation under the canons of the empiricist notion of positive liberty.[102]

Others in the group of new liberal politicians were Edward Grey, who was at Balliol from 1880 (although he was sent down for a short period); Herbert Samuel, who was there from 1889 to 1893, and Arthur Acland, who was bursar of the college for some years. In his book on *Liberalism*, which embodied many of the positive liberal ideas of Green and the philosophers at the same time as attempting to work out their practical implications in politics, Herbert Samuel argued that although self-reliance and self-help are important in the development of character, this does not rule out the need for state intervention. The extension of law need not reduce the realm of freedom, but can enlarge it:

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[94] *Ibid.*, p. 82. Huxley was by no means a socialist; *cf.* "Government: Anarchy or Regimentation," in *Collected Essays*, i, p. 402.

[95] *The Descent of Man* (1871), ii, p. 404.

[96] *Mind*, Vol. 10 (1885), p. 136. "Whether our ideals of goodness are due to natural selection (of individuals and societies and usages) or partly to natural selection and partly to use-inheritance may be an interesting historical problem; but it has no direct bearing on the problem of what meaning there is in calling anything 'good' at all." "Heredity and Ethics," in *Proceedings of the Aristotelian Society*, iii: I, p. 147.

[97] *Darwin and Hegel* (1893), p. 29, and *Natural Rights*, p. 104.

[98] J. A. Spender and H. Asquith, *Life of the Earl of Oxford and Asquith*, i, p. 36.

[99] Introduction to H. Samuel, *Liberalism* (1902), pp. ix-x. Asquith was for a time Member of Parliament for the Fifeshire Burghs, in which constituency was situated the University of St. Andrews, whose Professor of Philosophy was Sir Henry Jones. The professor wrote of the politician, "I like the statesman in him and believe in his cause." *Life and Letters of Sir Henry Jones*, p. 55.

[100] *Memories and Reflections of the Earl of Oxford and Asquith*, i, p. 113.

[101] *Speeches of the Earl of Oxford and Asquith* (1927), p. 308.

[102] *I.e.*, by saying that a man who is drunk, like a man who is hypnotized, is not in a position to take decisions; thus it is possible to restrict his freedom at time t in order to increase it at time t′. In this matter, however, it should be borne in mind that present freedom is worth more than future freedom, and on the question of liquor laws the position of Archbishop Magee is perhaps more attractive to the liberal than that of the restrictionists; "I would," he declared, "distinctly prefer freedom to sobriety." House of Lords Debates, May 2, 1872, quoted in *Speeches and Addresses*, p. 120.

> to support a policy of State regulation in industry is quite consistent with a belief in liberty, and not merely consistent with it but rather to be regarded as its necessary consequence.[103]

The liberal government of 1892–5 was considerably influenced by the ideas of political and social liberty advocated by these new liberals, and Samuel discusses in his *Memories* the development of thought about liberty among politicians in this period.[104] The influence of such men as Ritchie and T. H. Huxley was beginning to tell.[105] Later a group of Liberals including Haldane and Charles Trevelyan went over to the Labour Party, though they claimed to retain a belief in liberty as the end in politics. They regarded the Labour Party policy as a natural extension of the ideas of positive liberty which they had held as liberals.[106]

Mention should also be made of the attitude of the Fabians to the question of liberty. They regarded the positive conception of liberty as one of the ends of political activity; in 1891 Sydney Webb had remarked on the individualists' inability to understand the phenomenon of "the expansion of the sphere of government in the interests of liberty itself."[107] This effective liberty could, he thought, be realized only by substituting what he called "democratic self-government" in industry for control by a few individuals.[108] The prospectus of the Fabian Society proclaimed that its socialist programme would result in much less interference with personal freedom than was the case with the contemporary system.[109] They do not appear to have thought that liberty was the sole end in political activity and believed that it might have to be sacrificed on occasions to the demands of equality.[110]

It is not always quite clear whether L. T. Hobhouse wished to make liberty the sole end of politics or merely one among several. Certainly he thought that development of individual character is the ultimate end; insistence on personality is the creed of democracy just as the dominance of power and efficiency is that of bureaucracy.[111] It is upon this notion of the development of character that true liberalism is based. The essential thing about liberalism is not that it is unconcerned with people's characters, but that it believes that the best way for character to develop is not by pushing people around, but by leaving open to them as many effective choices as possible. "If we refrain from coercing a man for his own good," he wrote,

> it is not because his good is indifferent to us, but because it cannot be furthered by coercion.[112]

The chief means of encouraging the development of character is the increase of freedom, not merely negative freedom, but the positive ability to fulfill choices. He emphasized, as Ritchie had done, that as liberty involves the power of doing things, it is not opposed to the principle of state intervention; the modern state has more power than the ancient one, yet there is more freedom left to the individual.[113] The criterion of state intervention must always be whether it will increase the total amount of individual freedom.[114] J. A. Hobson, another of the positive liberals, and a friend of Hobhouse, said much the same.[115] Bosanquet too had pointed out that there is no antagonism between law and liberty—even "in the plainest and simplest sense of the word."[116] "The range of possible actions presented to the individual for his choice," he wrote,

> becomes, as society develops, more and more com-

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[103] *Liberalism*, p. 28.

[104] *Memories* (1945), p. 25.

[105] Samuel records going to hear Huxley's Romanes Lecture, *ibid.*, p. II.

[106] "I never felt *laissez faire* inherent in Liberalism, or I could never have remained as long as I did in the Liberal Party." Charles Trevelyan, Preface to H. Langshaw, *Socialism and the Historic Function of Liberalism* (1925), p. vi.

[107] "The Difficulties of Individualism," reprinted in *Socialism and Individualism* (1908), p. 22.

[108] *Ibid.*, pp. 26–7.

[109] *Cf.* Sidney Webb, *Socialism in England* (1890), p. 13.

[110] *Fabian Essays*, p. 59.

[111] *The Metaphysical Theory of the State* (1918), p. 134.

[112] *Liberalism*, p. 143. "Liberalism is the belief that society can safely be founded on this self-directing power of personality." *Ibid.*, p. 123. "The central principle of Liberalism is self-government." *Democracy and Reaction* (1904), p. 47.

[113] *Democracy and Reaction*, p. 127.

[114] *Social Evolution and Political Theory* (1911), p. 203; *cf.* also, "Hence in the main the extension of control does not impair liberty, but on the contrary is the means of extending liberty and may and should be conceived with that very object in view." *Ibid.*, p. 202.

[115] *The Crisis of Liberalism* (1909), pp. 92–3.

[116] *The Civilization of Christendom* (1893), p. 379.

> prehensive. His liberty, therefore, in the common straight-forward sense of doing what he pleases becomes greater and greater.[117]

But Bosanquet was never content with the simple sense!

Hobhouse was one of the pure instances of our category of positive liberals. Unlike the earlier representatives whom we have discussed, he was basically an empiricist and regarded freedom as the ability to do what one wants to do, whether good or evil; he purged the concept of positive liberty of the elements of idealism which up to this time had adhered to it. Although there is, for Hobhouse, no antithesis between law and liberty when talking of the whole society, there is in regard to one individual. All law is restraint, and all restraint is a limit on freedom. "Law," he observed,

> of course restrains the individual; it is therefore opposed to his liberty at a given moment and in a given direction.[118]

Criticizing the idealist conception of freedom, he pointed out that Hegel

> saw that freedom involved restraint on something but did not see that it was restraint on something else, that which is free being in the respect in which it is free necessarily unconstrained.[119]

Hobhouse was a fervent critic of idealist metaphysics, and occasionally burst forth into torrents of righteous anger against the influence of this philosophy on social and intellectual life. "The Rhine has flowed into the Thames," he declared in a famous passage, "at any rate into those upper reaches of the Thames, known locally as the Isis."[120] The effect of idealist philosophy was to weaken the brain, to undermine morality by blurring the distinction between right and wrong, and "to throw a gloss over stupidity, and prejudice, and caste, and tradition."[121]

Like Ritchie and Huxley before him, Hobhouse attacked the idea that evolutionary theories necessarily lead to a policy of non-intervention by the state; people who have hastily applied ideas of the survival of the fittest to society in an effort to prevent state action have understood neither Darwin nor society.[122] The fittest to survive in an all-out struggle are not always the best. The evolutionist, however, is right in one sense; the fittest ought to survive. But who are the fittest for life in society? Are they the unscrupulous men of force who are likely to survive in the anarchical struggle for existence? No; rather they are the men most fitted for co-operating with others.[123] It is moral and social progress to eliminate and restrict the immoral and the unsocial man; but there is all the difference in the world between progress and evolution.[124] Progress is not inevitable,[125] and so far as there has been any it has been social rather than racial;[126] there is no law of racial progress to which we must meekly submit.[127] The study and practice of eugenics might prove useful, but its application is more a matter of ethics than of biology; before we start improving the stock by rational means we must have some conception of what man exists for.[128]

The state can, then, intervene in the social process quite legitimately, and in so doing will not necessarily diminish the total of human freedom. How did the concept of positive freedom apply in practice for Hobhouse? First of all, he believed that it implies a considerable degree of equality;[129] a reorganization of society is needed if we are to achieve a maximum of human freedom. The so-called freedom of contract under which the laborer is said freely to work for a particular employer, is a myth; in many slave systems a man is forced into slavery by economic necessity.[130] Trade unions do not primarily restrict the liberty of the individual but increase his power (and thus his positive liberty). "True consent is free consent," he declared, "and full freedom of consent implies equality on the part of both parties to the bargain."[131]

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[117] *Ibid.*, p. 368.

[118] *Liberalism*, p. 23.

[119] *The Metaphysical Theory of the State*, p. 36. G. D. H. Cole similarly attacked the idealists, *Labour in the Commonwealth* (1918), p. 194, although only a year previous he appears to have held much the same notion of freedom himself, *Self-Government in Industry* (1917), p. 227.

[120] *Democracy and Reaction*, p. 77.

[121] *Ibid.*, p. 79.

[122] *Ibid.*, pp. 84–5.

[123] *The Labour Movement* (1893), p. 91.

[124] "The Ethical Basis of Collectivism," in *International Journal of Ethics*, Vol. 8 (1898), pp. 145, 147.

[125] "I was never one of those who think that the general fact of progress may be readily assumed, or that mankind constantly advances to higher things by an automatic law which can be left to itself." *Development and Purpose* (1913), p. xxi.

[126] *Social Evolution and Political Theory*, p. 80.

[127] *Development and Purpose*, p. 207, *cf.* also *Democracy and Reaction*, pp. 99–100 and 115–6.

[128] *Social Evolution and Political Theory*, p. 43.

[129] *Liberalism*, pp. 24, 29. "Is a man free, "demanded J. A. Hobson, "who has not equal opportunity with his fellows of such access to all material and moral means of personal development and work as shall contribute to his own welfare and that of his society?" *The Crisis of Liberalism*, p. 93.

A considerable growth of government and municipal trading might be found not only consistent with, but positively to promote, individual freedom; direct government management, however, is only one of the methods of public control which can be exercised in the interests of freedom.[132] A great extension of public education would be justified in the interests of positive freedom; it is necessary, remarked Hobson, "both to the achievement and the utilization of every other element of personal liberty."[133] Freedom to choose a job, to be really effective, implies equality of opportunity with others, and this in turn justifies liberals in demanding a state system of free education.

There is an important difference in the way in which such men as Hobhouse and Hobson interpreted positive liberty, and the way in which Bosanquet and his school did. For the former, some considerable changes in the structure of society were thought to be essential for the securing of real freedom, while Bosanquet was willing to see the state intervene only to help individual "cases" back on to their feet; any social reorganization was to him anathema, and an increase in wealth by the lower orders might undermine their characters. With all his talk of society as an organism, Bosanquet, like Spencer before him, had a basically individualistic approach to the practical problems of society such as poverty. The Charity Organisation Society had a fanatical belief in self-reliance, in providence, and in thrift—"the duty of carrying at least one's own burden"[134]—which sounds passing strange from a professed opponent of individualism. Promiscuous gifts to the poor were held to undermine their characters,[135] although the inheritance of large sums of money by the rich carries responsibility with it and enables the possessor to develop his character by donations to deserving causes.[136]

There was much in common between the ideas of Hobson, Hobhouse and others of this school, and those which inspired the formation of the Labour Party, but the liberals remained critical of certain aspects of socialist policy. As early as 1902 Hobhouse hoped for a union between the new liberals and the rising labourites,[137] and later classified political thinkers as follows: Communist and Theoretic Socialist; Ordinary Labour and Good Liberal; Bad Liberal and Ordinary Tory; Diehard. He went on to observe that the distinction between the ordinary labor man and the positive liberal was obsolete.[138] Yet both he and Hobson were suspicious of doctrinaire socialism, which was thought to lay insufficient emphasis on individual liberty and too much on state power.[139]

IV

A study of the rise of the concept of positive liberty is interesting from several points of view, and illustrates the power of this word—or rather concept of—liberty. Instead of renouncing liberty as the great end in politics, the positive liberals found it convenient to enlarge and adapt the notion of liberty.

On the practical level, though much cannot be said about this here, the movement has an interest. The Labour Party in Britain is abandoning some of its old dogmas and is moving towards a more flexible position. In spite of its old puritan spirit, it is making its peace with a situation of relative prosperity which it was instrumental in creating. Yet the concept of flexibility is only meaningful when applied to an object which has some purpose or aim; to have flexible ideas is not to have no ideas at all—and there is always the danger of thinking that it is. Empirical politics, as Professor Oakeshott has reminded us,[140] is strictly speaking impossible, but a belief in its possibility is possible, and mischievous at that; how many people do we hear talking of expediency as if it were a policy, when what they really mean is self-interest? The Labour Party might do worse than to examine once more the ideas of the positive liberals which have been discussed in this article—the idea first of all of liberty as the great end in politics. There is surely a lesson to be learned from Hobhouse who was dogmatic on fundamentals and flexible on details, refusing to erect such things as state ownership into dogmas. The Labour Party has tended to transform this mere means into one of the chief ends of politics; this the positive liberals never did.

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[130] *Democracy and Reaction,* pp. 37–8.

[131] *Liberalism,* p. 91.

[132] "The Problem," in J. A. Hobson and M. Ginsberg, *L. T. Hobhouse,* p. 273.

[133] *The Crisis of Liberalism,* p. 94.; *cf.* also Hobson, *The Social Problem* (1901), pp. 10, 96.

[134] *The Civilization of Christendom,* p. 338. In the Preface to this book the reader is told that the C.O.S. conception of thrift is very different from the individualist idea; as to exactly how, he is left in the dark.

[135] "Nothing undermines character so much as these chance interferences." "The Principles and Chief Dangers of the Administration of Charity," in *International Journal of Ethics,* Vol. 3 (1892–3), p. 324.

[136] The smug way in which these organizers of charity used to speak of helping people to help themselves (Bosanquet, *The Social Criterion* [1907], p. 29) would be amusing if it were not that this attitude held up efforts towards real social reform for many years.

[137] *Cf.* Hobson and Ginsberg, *op. cit.,* p. 63.

[138] *Ibid.,* p. 66.

[139] Hobson, *The Crisis of Liberalism,* p. 93.

[140] *Political Education* (1951), pp. 9f.

The implications of this movement for the historian are also intriguing. It is illuminating to trace the way in which, in mid-Victorian England it was found desirable, for a variety of generally very practical reasons, for the state to play an increasingly important role in the life of society. It was gradually discovered that on many questions the state cannot be neutral; and, having the power to intervene, a refusal to do so is tantamount to a positive acceptance of existing conditions. In response to these changes, a social philosophy grew up, which attempted to justify state intervention under the old and generally accepted canons of liberty; thus was evolved the notion of positive liberty. The idea was taught in the universities, and its fuller implications were worked out both by the more practically minded of the academics, and by a group of young liberal politicians; these men proceeded to apply them in a more systematic manner. We thus have an idea growing up in response to changing social needs, and then itself affecting the structure of society in a subsequent period, illustrating the assertion of J. N. Figgis that

> If ideas in politics more than elsewhere are the children of practical needs, none the less is it true, that the actual world is the result of men's thoughts. The existing arrangement of political forces is dependent at least as much upon ideas, as it is upon men's perception of their interests.[141]

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[141] *Political Thought from Gerson to Grotius* (1916 ed.), p. 1.

TOWARD A DEFINITION OF EDITORIAL POLICY FOR THE *REVIEW*[*]

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Editorial policy reflects in part an ideal, in part a code of operating practice. It is the editor's business to maintain some gap, but not too large a gap, between the two—to keep the ideal always some distance ahead of the practice, and to keep the practice from lagging too far behind. And it is inherent in the notion of policy that both ideal and practice embody a degree of rational consistency in statement and application that rules out mere personal caprice.

The distinctive characteristics of the REVIEW are marked out for it in the main by its functions as a scholarly journal and as an institutional medium, the official journal of the Association. It is not in any significant degree, therefore—as a journal of opinion may be—a vehicle for the predilections of the editor; his duty is to formulate and apply standards appropriate to the purposes of the Association that supports the REVIEW and furnishes its principal audience. Because the Association is a national professional society, rather than either an organ of a particular educational institution or the outlet of a group committed to a particular school of thought, the REVIEW must be correspondingly catholic in its outlook. Because the domain of political science—however its boundaries are defined—is so broad, the doors must be open to a diversity of subject matters, including occasional essays in neighboring disciplines. Because the REVIEW audience—even if narrowly conceived as the dues-paying membership of the Association—extends well beyond the ranks of teachers of political science, to take in many people in public life here and abroad, whether officials or not, materials addressed to questions of public policy have a place along with those confined to more strictly scientific concerns. And because a significant part of the REVIEW's ultimate audience is still unborn, or at least has not yet emerged from school, while verity is supposed to be timeless, the range of appropriate material is not, like a newspaper's, significantly limited by considerations of timeliness to topics of current interest.[1] On the contrary, one criterion of quality is posed by the question, how well will an item read five years or more hence? Finally, because the REVIEW is made up mainly from contributed materials, the distribution of emphasis must reflect primarily the interests of those who are moved to write, rather than any *a priori* desires of the editor's.

In one sense, editorial issues may be thought to arise, like budgetary decisions, from the necessity of choice: space is scarce, more material is available for printing than the customarily available space in the REVIEW will contain, and so an ordered scheme of preferences and allocations is needed. Five or six times as many manuscript pages of articles are offered as are printed; a great many books are listed as "received" without being reviewed; the authors of book reviews and especially of book notes are allowed severely limited numbers of words; news and notes items are cut down or rejected, and so on. The amount of space can be increased somewhat by using a double-column page with narrower margins and smaller type, by increasing the number of pages, or by increasing the frequency of issues. But there are financial and other practical limits on all these palliatives, and the overall pressure for space is unremitting.

Nevertheless, the lively and recurrent policy questions regularly emerge in qualitative rather than quantitative terms. Only occasionally, at the margin, does the process of choice work like a zero-sum game where, if A is excluded, B can be admitted. For one reason, since the change in format last year, and because the Association is solvent, there is no longer a fixed number of pages setting an absolute and mechanical limit to the size of each issue. A few more pages, within reason, can always be bought. For another, the several departments of the REVIEW—articles, book reviews, bibliographical sections, news and notes, and advertising—are autonomously edited and only put together at press time, and their space requirements vary from issue to issue; so that specific allocations of page limits set in advance for each section would usually be unduly arbitrary or unfeasible. In the upshot, then, the criteria of selection and rejection must in the main be formulated and applied qualitatively to each candidate for inclusion on its merits with sufficient rigor to forestall the necessity of a harsher and less discriminating method of choice, word against word. This conclusion is reinforced by the reflection that the primary purposes of the REVIEW as a scholarly journal are qualitative, the advancement of the profession and of the understanding of its disciplinary subject matter: better a small journal, if need be, of top quality, than a guaranteed output of a scheduled number of pages.

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[*] Presented originally at a special panel at the annual meetings of the Association, St. Louis, September 8, 1961, this paper has been circulated to the members of the Editorial Board and carries their general concurrence. I am grateful for their suggestions and improvements.

[1] References and citations in current literature to issues of the REVIEW that antedate the end of World War II are quite uncommon. This may be set down as one of the marks of the gap between the ideal and the practice, either on the part of the REVIEW or of the current literature. More likely it only means that articles, more than books, make their contributions to the ongoing stream of professional thought within a few years and then usually lose their distinctive identities as sources needing individual citation. It also reflects the shifts in present professional concerns and in conceptions of the discipline.

One consequence of present policy in this respect is that there is virtually no backlog of accepted articles waiting their turns to appear in print. At any given moment there may be a substantial inventory of manuscripts at the successive stages of reading and editorial consideration, but once a favorable decision has been reached the standards of selection are such that an article can ordinarily go into the next issue or at any rate the issue following. This is a wholesome if not always comfortable condition, in contrast with the situation of some journals whose space, I am informed, is committed for a year or more in advance.

Bearing these general considerations in mind, I shall try in what follows to clarify the principal issues and to some extent codify the practice of REVIEW policy. Since no other journal has quite the same audience or purpose, I shall refrain from gratuitous advice on how other journals ought to be conducted.

The main issues, in my experience, can be conveniently discussed under a baker's half-dozen heads, which I shall take up in the following order: (1) the sources of supply; (2) the rule against reprinting; (3) the balance between service and research functions; (4) the place of opinion and public policy arguments; (5) the room for specialists; (6) the priority for analysis over description; and (7) style, or the sanctity of an author's words.

I. SOURCES OF SUPPLY

Market principles of supply, demand and incentive have a bearing on the output of materials the REVIEW needs, and so policy must take into account some elementary differentials in the operation of these principles. At one end of the line, the Managing Editor has not yet discovered any qualified person who is willing as a labor of love to contribute over 100 hours of her time and disrupt her Christmas vacation in order to furnish the indispensable annual index to the REVIEW, in the form and on the schedule the printer requires, for the sheer satisfaction of seeing her name on the cover page. So the index must be procured and paid for; and so too must the annual listing of dissertations. In a different category stand the stalwart compilers of the bibliographic sections, sorting out the current periodical literature for the convenience of the inquisitive. The REVIEW furnishes its readers with much more of this reference material than most comparable journals. In undertaking to prepare their copy regularly the several compilers respond to a call to duty, in a species of selective service, and like good soldiers are compensated (at a page rate) rather for out-of-pocket expenses than for the economic value of their time; but they must be called.

In a third category are the book reviewers. They are far more numerous, and if they respond at all to invitations, they need no more tangible reward than the retention of the books they review. But they are free agents, not conscripts. They may and often do refuse to serve when called upon. Moreover, they can seldom know in advance what new books are forthcoming, which need reviewing or which are already provided for; and if they volunteer for specific books, their motives may sometimes be suspect. So the Book Review Editor will welcome suggestions from any quarter but must generally take the burden of selection and solicitation book by book. I need not go into the criteria he applies,[2] for I believe these are widely understood and not often in controversy. He has a formidable managerial task, challenging his imagination, his range of acquaintance and his resources for locating appropriate reviewers beyond his acquaintance. Quarrels with his performance are apt to be rather *ad hoc* or *ad hominem* than based on policy or principle, and critics need to bear in mind, what they cannot ordinarily know in a particular case, that the reviewer may have been his first or his fourth choice. On editorial questions other than the allocation of space he can afford to allow reviewers the more latitude of expression because the Communications section provides a medium for complaint, reply or rebuttal.

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[2] See the admirable discussion by Avery Leiserson, "Toward a Definition of Book Review Policy," that follows this paper, below, pp. 139–141.

I am told that the honors for the best book reviewing job among political science journals belong to the *Revue Francaise de Science Politique* which employs three categories: (a) bibliographical articles consisting of concise characterizations of recent books on a subject, followed by detailed book lists; (b) bibliographical notes corresponding to our regular reviews, of individual books; and (c) bibliographical information consisting of some five to fifteen lines apiece of content analysis and brief characterization of new books in at least five major languages; some of these bear a notation indicating that a full review will come later. This last category strives for maximum coverage as well as for qualitative assessment, and affords the advantage that the selection of books for full review need not be made until after specialists in the several fields have familiarized themselves generally with their contents. Such extensive coverage of books in the REVIEW would leave no room for bibliographies of current periodical articles unless the whole space were considerably expanded. A more formidable obstacle is that the preparation of so many pages of concise abstracts is hardly conceivable except in the framework of a centralized organization such as the Fondation Nationale des Sciences Politiques, which maintains a staff of specialists under the same roof—or such, perhaps, as the Legislative Reference Service of the Library of Congress. A system practicable for the REVIEW must be compatible with the decentralized deployment of academic resources in this country.

The News and Notes materials stand on quite a different footing. Editorial policy calls for quarterly notices to department chairmen inviting the submission of materials; obituaries are occasionally invited; and official committees of the Association are informed of deadlines for notices they may wish to see printed. But the REVIEW maintains no staff of reporters or correspondents and makes no other systematic provision for securing news items for this section. The section editor gives a semblance of order to the materials that are volunteered, uses his blue pencil on items that seem unduly verbose or self-serving, tries to reward brevity in response by inclusion where possible, and excludes classes of items that have the least claims on general attention. Readers sometimes complain that space is given to trivia, but volunteers also complain when items that concern them are rejected. Perhaps no other section of the REVIEW poses so sharply the conflicting demands for saving space and for accommodating personal inclinations; none so perplexingly defies the editor's attempts to formulate criteria that will be uniformly applicable and satisfactory. And all suggestions to date that look toward improving on the vagaries of the present reliance on volunteered items by introducing a more regularized system of positive procurement of news material have foundered on either or both of two rocks: they make impossible demands for staff unless substantial sums of money are to be paid; and they promise even more disappointments for those who want to see their activities noticed unless substantially more space is allocated for the purpose. Proposals for a separate newsletter seem to involve more rather than less expense.

Still different considerations apply to the supply of article manuscripts. Here, in contrast with some of the service features, with commercial magazines and (so I am informed) with the practice of some scholarly journals abroad, no question of payment arises. The satisfaction of seeing an article in the REVIEW, and of getting a modest number of reprints free, is a sufficient reward for most academic contributors, though perhaps not enough for some senior scholars. Nor, in contrast with the book reviews, are invitations to contribute needed to secure an adequate supply of manuscripts that are acceptable or can be made so. There is no consistent surplusage, particularly of the highest quality, but in recent years at least there has been a sufficiency. REVIEW policy accordingly has been to depend, for the supply of articles, mainly upon a selection from amongst the manuscripts offered.[3] I shall come presently to the criteria of selection. At this point it is relevant to ask whether more of the present offerings should be rejected in order to make room for the fruits of a different policy, that by active solicitation might procure articles of a sort not now, or seldom offered.

Two possibilities may be suggested as alternatives. One would seek more control over the subject matter by a systematic editorial selection of topics in need of treatment, followed by invitations to scholars qualified to treat them. In this fashion symposia might be constructed, and presumably the Editorial Board would find a larger scope for collective deliberation on the choice of subjects and authors than is feasible now in the appraisal of two or three hundred unsolicited offerings annually.

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[3] Customarily, only two of the 40-odd articles published each year—the President's address and the annual review of developments in constitutional law—have been regularly solicited. I have not hesitated to follow up occasional tips from trustworthy sources telling me of significant work in progress that might be had for the asking; and on other occasions I have invited a comment on a manuscript already in hand, to be published along with it. But these are infrequent and *ad hoc* exceptions to the usual policy of reliance on offerings.

The other would seek to alter the sources of supply by securing a larger proportion of the articles printed from authors who are senior statesmen in the profession and recognised masters in their special fields. The overwhelming majority of manuscripts now submitted comes from younger scholars with reputations still to be made or in the making. Taking three recent consecutive issues as a handy sample, the ages of the authors at the time of publication of the 33 articles these issues contained were distributed as follows: eleven under 35; sixteen between 35 and 45; and six over 45, of whom only one was over 60. Perhaps writing for the REVIEW is another New Frontier; evidently, at any rate, publication in the REVIEW is less often a sufficient incentive to induce established authors to submit their thoughts in writing, unasked. Presumably, direct invitations to contribute might be productive.[4]

A first objection to either alternative is self-serving: it would mean more work for the Managing Editor, and indeed would hardly be practicable without a full-time editor, or unless the responsibility were parcelled out, as with the Program Committee for the annual meetings, so that a series of associate editors took charge of particular areas or undertook to fill successive issues in turn. But putting the editorship "in commission" would surely dilute the responsibility for the finished product.

Taking higher ground, I would also doubt the wisdom of the concentration of power, and its anti-democratic implications, inherent in an arrangement for the management of the official journal of the Association that was premised on the assumption that one editor—or even a small group—knew, better than those who are engaged in their own research and writing, what topics are most in need of attention, or which scholars deserve, in advance of their production, a preferred and protected claim on the REVIEW audience for their output. I believe it possible to find and to replace editors with the critical faculties needed for the appraisal of manuscripts they have not themselves inspired, and who are skilled in helping an author to put his best foot forward in matters of style, logic, organization and the like. I think the Association might soon grow restive with an editor, however conscientious, who was charged with programming the scholarly output that the Association will publish. The Program Committee, which arranges what the Association will hear at the annual meetings, changes each year; but frequent rotation in the office is not a practicable restraint on the potential tyranny of an editor. Finally, considering the difficulties in rejecting articles that have been invited sight unseen, I am not persuaded that the products of a policy of planned contents for the REVIEW would in fact be superior to those now obtained. I favor the continuance of the present policy, therefore, without prejudice to opportunistic exceptions of the sort already noted—whenever opportunity knocks.

II. THE RULE AGAINST REPRINTING

The REVIEW has a one-way policy of long standing that expresses a preference for the advancement, as against the diffusion, of knowledge: except in its advertising pages and masthead it does not knowingly publish materials of substantially the same content that have already appeared elsewhere in print, even in another country, even in another language. On the other hand, if the author consents, permission to reprint from the REVIEW is ordinarily given as a matter of course.[5] So an article which will presently become a chapter in a book may be accepted and published with a notice to that effect—book publishers seem to welcome that form of advertising—and so may an article that has had a mimeographed circulation. But an article drawn from a book, even if very recently published, or from an address published as a separate pamphlet or in official proceedings, or a translation from a foreign journal—buried in obscurity though these may be for practical purposes—will ordinarily be rejected.

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[4] In a conversation I had some years ago on this point with the editor of an esteemed British journal he expressed astonishment on learning of REVIEW policy: "With us, no one who is anyone would dream of sending off an article to our journal without first receiving a nod of invitation from the editor." We concluded that his journal fills its requirements in the way that American departments prefer to make their appointments, by consulting knowledgeable friends informally; while the REVIEW works in the way the British make appointments, by a public advertisement inviting all who think themselves qualified to come forward and submit their credentials.

[5] Over the signature of the Executive Director of the Association, not the Managing Editor, since the Association holds the copyright, and with or without a royalty charge depending on circumstances. A charge is made, *e.g.*, for the inclusion of a REVIEW article in a book of readings commercially published. Policy to govern charges is currently under review in the Executive Committee of the Association.

A good reason but not the real reason for the rule is the risk of infringing copyrights when materials are reprinted. A better reason is the need to conserve space in order to afford an outlet for original work, the encouragement of which is a prime purpose of the Association and of the REVIEW. A final reason is that without it—and stopping points would be hard to define—the REVIEW might be transformed into an anthology, if not into a reader's digest of "great" articles. There is much to be said for such a publication, since no doubt, across the spans of space and time, more distinguished pieces have been written, and have perhaps escaped the notice of the contemporary American audience, than any particular issue of the REVIEW is apt to contain. Nevertheless, articles meriting reprinting may find their way into the books of readings and other outlets that commercial publishers will support. An insistence on originality, in the form of a rule against self-plagiarism, is one buttress to a larger policy of promoting the highest quality standards attainable.

Like any mechanical rule in human affairs, this one presents evident difficulties and occasional inequalities in application. This is why the reservation of *scienter* was included in stating it. The REVIEW has sometimes been taken unawares in violation of the rule, since the Managing Editor and his advisers have not read everything in print and authors do not always call attention to their prior or pending publications. In close cases where the timing is crucial, adjustments in publication schedules might lead to unintended violations; and here, if a commitment to publish has been given, the REVIEW does not retract it. It is easy to sympathize also with an author who, when he has once committed his thoughts to paper, would like to see them appear in as many places as possible; or who, impatient with the time it takes for one journal to reach a decision, submits them to several and finds it hard to withdraw if more than one accepts what he has written. But an author who hopes to publish in the REVIEW a second time would be shortsighted if he deliberately took advantage of editorial ignorance in a knowing violation of the rule.

It may be that an occasional exception is warranted in the case of an article substantially similar to one the author has published abroad in a foreign language, if it has a widespread interest and would otherwise be largely inaccessible; but the exceptions should be rare or the REVIEW could easily be swamped. It appears prudent also to weight the scales somewhat against an article drawn from a book already scheduled for publication though not yet out.

III. SERVICE VS. RESEARCH FUNCTIONS

Considerably more than half the printed matter in any issue of the REVIEW comes under the general rubric of the diffusion rather than the advancement of knowledge—a proportion that is in line with the definition of a conservative as one who realizes that most of men's time and energy must be devoted to preventing things from getting any worse than they already are. The sections given over to advertising, index, news and notes, bibliographies and book notes—which because of space limits are seldom more than expository—are all of this nature, and all have a tendency to grow. The conscientious bibliographer, for instance, as well as the indiscriminate one, leans toward inclusion rather than exclusion; and as the volume of materials he canvasses increases, so does the number of entries. The indexer inserts cross-references to be more helpful; the dissertation list is expanded to include Canadian titles; the northern and southern California schools form separate associations with separate programs and lists of officers to record; and so on. All this is useful and desirable, and moreover, some part of the diffusion, not specifiable *a priori*, leads indirectly to further advances in knowledge later on. Even if this were not so, a profession that earns most of its bread and butter by teaching has needs that constitute an independent justification for the provision of reference materials of a specialized nature not readily accessible elsewhere. What, then, is an appropriate balance to maintain between these service functions and the provision of an outlet for original research, in the REVIEW?

One answer is to stick with the *status quo*. Whenever suggestions have been made in recent years to drop or reduce drastically one or another of the existing service sections, defenders of the target have arisen to protest, and approximately the present balance has been preserved. No satisfactory measure of their numbers or relative need has been devised. On the other hand, no strong pressure for a sharp reduction has developed, because the volume of article manuscripts of acceptable quality has remained in rough correspondence with the space remaining after some modest economizing measures.

So long as these conditions continue, I am at a loss to suggest a more elevated principle for justifying or altering the present balance, other than the one implicitly given above, that the service materials carried be not readily accessible in other sources; and a corollary, that the burden of proof should lie with those who argue for their expansion. That burden I believe has been sustained for the services I have mentioned at about their present levels.

A further criterion of allocation—though hardly a lofty principle—might be a rule that service materials should not be accepted as articles or occupy space allotted to articles. In conformity with that thought the "bibliographical essays" that appear from time to time are located in the book review department, and occasional "teaching notes" have been relegated to rear positions.

But to state such a rule in this way risks prejudging the most perplexing and controversial case posing this general issue that has arisen in my tenure: namely, the future of the annual article on constitutional law, an issue precipitated last winter when its eminent author for the last dozen years asked to be relieved of continuing it. It has been a regular feature of the REVIEW for upwards of 35 years at least, surviving the demise of annual reviews of the sessions of Congress, of developments in state constitutional law, and perhaps other subjects. It has been located and counted among the articles. It is intentionally a service to the diffusion rather than the advancement of knowledge, and many value it as such. It is capably and carefully done, and widely and on the whole favorably known. It is long, as articles go, but it has not precluded the publication of other articles on constitutional law topics in the REVIEW. Even if that were not so, authors in that field probably have, in the plethora of law journals, more opportunities to find outlets for their writings than scholars in most other branches of our discipline. Should the annual article be continued?

In my search for counsel on this question I encountered two characteristic and opposing views. Specialists in the field, with a few exceptions, see no need for it that is not better supplied in more specialized services familiar and available to them—in the more exhaustive annual surveys of the *Harvard Law Review*, in the volumes from the Chicago Law School, and in a variety of official and commercial undertakings. They would prefer to see the space freed for the fruits of original analysis and research. Defenders of the article—not all of them readers of it, nor any longer teachers in introductory courses—urge not so much their own needs as those of harried teachers in smaller places who are not specialists in the field and have heavy loads and limited library facilities that do not include much in the way of legal materials; and of those in other fields altogether who want an annual refresher. For such as these, it is said, nothing else is so handily available or gives so much in comparable space. Some correlation between age and attitude is also observable: the seniors I have consulted in the profession are more apt to favor continuing the tradition; the juniors are readier to discard it.

My own view is that the annual article has lost much of its former utility, not through its own fault. In part, it cannot any longer be a unique and pioneering effort as it once may have been; teachers and students in constitutional law are far better supplied than before the war with a variety of materials and resources that reduce their dependence on an annual survey. In part also, approaches to the teaching of American government have shifted away from the systematic exposition of constitutional doctrines, so that teachers who are not constitutional lawyers have less occasion to brush up on recent cases. But if the article has thereby in some degree become outmoded, its many loyal friends are testimony to the strength of the case that can still be made for it.

Other considerations enter into editorial policy. The annual article is a species of a potentially numerous genus. It is anomalous standing alone. If there is one on constitutional law, why not one also on, say, the state of the public finances, or the activities of the President, or of the UN—all topics presumably of as much importance and general interest, and as hard to keep track of from day to day? More basically, it is anomalous because, alone among the articles it does not, by design, meet two of the criteria, novelty and a problem focus, that are applied to the others. But these objections would lie in principle against any service feature, and it would be dogmatic to rest on them entirely. All in all, sound policy at this stage appears to counsel, not abandonment, but a conclusion that the time is ripe for a period of experimentation with alternative approaches to the design and concept of the article and the purposes it may serve.

IV. OPINION AND PUBLIC POLICY VS. SCIENCE

Most articles coming to the REVIEW embody the results of inquiries by their authors aimed at furthering our understanding of some political ideas, institutions, interests, personalities or processes, singly or in combination, or of more effective ways of studying them: inquiries that may be called more or less scientific in a loose sense of that term. Depending on the subject—and on the perspicacity of authors and readers—they have a bearing more or less remote or immediate on practical concerns of the day, on public policy of the past and future; depending on the authors' interests, this bearing may be emphasized or subordinated; and depending on the authors' temperaments, their policy views may be expressed with judicious caution or passionate conviction. A concern for policy may have been the motivating inspiration of a study; more often it appears to be an incident to reflection on the significance of the results.

All this is proper and to be expected in a social science journal; and this is not the occasion for arguing fundamental questions of the relations between knowledge, opinion and action, between research and policy, or of the nature of science itself in social studies. A fair regard for the diversity of views on these matters, as well as the traditions, alike of individual scholarly responsibility and of the freedom of scholarly inquiry and expression, counsel a latitudinarian policy for the REVIEW. The editor may question particular phrases or passages in a manuscript as needless editorializing or as opinion masquerading as fact though unsupported by any evidence offered; but he is not a censor. If there is room for both behavioralists and philosophers in the profession, there is room for them both in the REVIEW.

Questions of editorial policy arise, however, in the appraisal of manuscripts that are explicitly pitched to argue issues of current public policy. A scholarly piece like Professor Osgood's recent study of the inner contradictions in American concepts and policies of deterrence is acceptable and accepted. A report of a scholarly advisory committee endorsing larger appropriations to the State Department's historical staff, to expedite publication of the series *Foreign Relations*, is a marginal case, legitimate if there is space for it. But an editorial criticizing, for instance, our policy toward Castro, or a plea for more federal aid for urban redevelopment, or a review of events, say in Algeria, leading to the conclusion that the French should or should not concede Algerian claims in the Sahara, or a speculative peering ahead into the next ten years of Sino-Soviet relations, will be rejected, no matter how closely it may correspond to the editor's personal views. How is the line to be drawn between these and the first example?

One part of it, not often needed, is suggested by the Association's self-denying constitutional prohibition against partisan political activities or commitments. Although the REVIEW disclaims responsibility for an author's views, it has no reason to provide a vehicle for views of that sort.

More cases can be disposed of on principles of the division of labor. The REVIEW's editorial and production processes span three to six months or more. Arguments on topics of the day are apt to lose their timeliness or to need recasting in the light of unfolding events during such a period: better leave them to the daily and weekly press that can move more nimbly.

The rest of the line is marked out by the differences between journalism and scholarship, between decision and proof, and between authority and evidence. A journal of opinion like *Foreign Affairs*, to take a distinguished contemporary example, may publish an article by a prominent or controversial public figure at home or abroad whose views are important because they are his views, whether or not they are persuasive; or an article, say, on British policy toward the Common Market because it is important whether Britain joins that organization. Allowing for some overlap at the margin, the REVIEW's criteria of importance are different: as the scholarly journal of a profession it is properly more concerned with the grounds and articulation and theoretical implications of an argument than with its sponsorship, its outcome or the practical stakes that hang on it.

V. THE ROOM FOR SPECIALISTS

Very few members, I suppose, even start to read all the articles in any issue of the REVIEW; the titles alone are enough to warn most readers away from many pieces as "outside their field" or "too specialized," and the savor of the first two or three paragraphs will lead them to abandon still others at that point. Very few authors, by the same token, choose topics (or if they choose them, are able to carry them off successfully) so evidently broad in scope or pervasive in significance as to command the general attention of the profession. Considering the diversity of the potential audience, what room should the REVIEW make for specialists who talk only to specialists?

A *reductio ad absurdum* response to the progress of specialization may not seem altogether fanciful after a glance into some scientific journals: let the REVIEW be converted into a sort of bibliographical telephone directory where authors list their names and the titles of their works. Then if some umpire made sure that the titles were truly descriptive, each solitary reader by consulting the classified yellow pages could ring up the author who had something to say to him alone, and listen to it; and so the publication of tiresome articles might be avoided. But this solution disregards the interests of authors who want to be published more than they want to be read. The opposite solution, of rejecting anything that does not have something to say to at least a majority of the possible readers, is a more attractive goal but no more realistic. Specialization is here to stay.

One line of accommodation is to consider the provinces of more specialized journals and refer authors to them—to the regional journals, to the journals in history, philosophy, law, international law and politics, public administration, municipal affairs and so on. But no journal likes to think of itself as an outlet for hand-me-downs, so that direct referrals are seldom practicable. And while many authors, including established authorities, seek the journals in their specialties by preference—whether because these lead more surely to their selected audiences or because they present fewer uncertainties about the publication of specialized contributions—the REVIEW has prestige enough to attract a great many articles that, good or bad, would interest only a circumscribed clientele. If they seem good enough, the REVIEW will accept them even though more specialized journals, offered the chance, might gladly have taken them. The problem of editorial choice is sometimes but not usually solved by the existence of the other journals.

A more feasible accommodation is to distribute the selections so that in any particular issue there will be, if possible, at least one or two articles in each of the four or five main branches of the discipline. This is editorial policy, in order that each issue may offer something to nearly everyone, but it does not help much in choosing the articles that are to be so distributed.

No single criterion of excellence will settle that choice. No line distinguishes big facts from little ones objectively; the presence of a large idea helps, but does not guarantee that it will be effectively exploited. As Thomas Huxley demonstrated many years ago, in a celebrated essay *On a Piece of Chalk*, an author with insight and imagination can on occasion invest an apparently small thing with a large significance. Even an unpretentiously small point, written up with economy and elegance, can be a gem. A solid and lengthy study that exhausts a narrow subject in workmanlike fashion may seem pedestrian by contrast, but may have compensating virtues too.

A useful distinction can sometimes be drawn between innovation and application. The REVIEW, for example, published two or three quantitative studies of Supreme Court decisions, and two political interpretations of Shakespearean plays—all controversial, but seemingly pioneering efforts—and then drew the line for a time against refinements and extensions of these themes, on the ground that their possibilities had now been shown and further exploitations in the same vein would interest only a limited number of specialists. For the same reason it might decline to take an extended series of local voting studies, or opinion poll analyses, all employing more or less the same method, even though conceivably some day the accumulation of such studies might furnish the basis for comparative generalizations.

A boundary facing in the opposite direction marks off prospectus from performance. While a brilliant bit of speculation is always welcome for its suggestiveness, an elaborate plan of work to be carried out in the future, especially if it is for someone else to do, is something else again—and particularly if the proposal is mainly methodological. As the utility of tools is proved in their use and plans are commonly changed in the course of their execution, it is in the ultimate interest of the author no less than of his audience to withhold publication in the REVIEW until he has some completed research to show. A better appraisal of the methodology can be made in the context of a substantive contribution, and a prospectus is not usually a ripe subject for a REVIEW article.

Apart from such considerations as these, and the standard criteria of scholarship, editorial policy toward highly specialized pieces can hardly go much beyond seeking the counsel of other specialists in the field in appraising their relative values, and perhaps tempering the wind somewhat in favor of articles from specialties that are infrequently represented in the incoming flow.

In a different vein, another question related to specialization arises in connection with articles by authors in cognate disciplines—by an economist, a lawyer, a sociologist or psychologist or anthropologist, or by a mathematician. Generally such an article seeks an outlet in a journal closer to the author's disciplinary home. But when one comes to the REVIEW, it is begging the question—or being chauvinistic or excessively mechanical about the division of labor—to dismiss it out of hand as belonging elsewhere. For political scientists probably do too little reading in the journals of other disciplines: why should Mahomet not come to the mountain once in a while? The decisive question—assuming other standards are met—appears to be whether he comes talking to political scientists *qua* political scientists, *i.e.*, to illuminate our understanding of some essentially political phenomenon or problem, bringing the tools and skills of his discipline along for the help they can give in that endeavor; or is talking chiefly to his own kind or to undifferentiated laymen. If an affirmative answer can be given to the first branch of that question, his work is welcome in the pages of the REVIEW; this is so in regrettably few cases.

VI. A PROBLEM FOCUS: THE ROOM FOR DESCRIPTION

No other single shortcoming accounts for the rejection of so many manuscripts as that they are "purely descriptive" or narrative. The criterion that requires a problem focus and gives priority to an analytical treatment of a subject is what chiefly distinguishes a good article for the REVIEW from a good article for an encyclopedia. For the one, the author must give the reader a reason for staying with him; information alone will not usually hold him long unless his curiosity is engaged; and economy in the provision and use of facts is a virtue guarding against irrelevance. For the other, the reader brings his own questions with him; makes what he can, or needs to, from the information furnished; and is grateful for fullness.

A double reason justifies the criterion, the difficulty of abundance and the concerns of political science. On the one hand there are more millions of facts—events, transactions, recorded utterances, deeds, thoughts, etc.—than the REVIEW or any journal can possibly notice; some selection is inescapable and it is not enough to take only what comes handily to reach. A problem focus in an article supplies the standards of relevance and exclusion and suggests the organization of analysis. A working rule of editorial policy therefore calls upon the author, somewhere early in the introductory paragraphs of his paper, to state as explicitly as may be what he is up to: what problem he is addressing himself to, and why that problem matters. There are artists who can write an absorbing article—like a mystery story that builds suspense to the end—without being explicit about their intentions at the beginning; but these are exceptions.

On the other hand, a clear and accurate statement of the problem often suffices to dispose of the article, by identifying it as within or without the boundaries of the significant professional concerns of an audience of political scientists. Not just any problem will do.

So, for example, if an author says in substance, "I have been looking into the subject of X, and let me tell you what I have found," the odds are overwhelming that what follows will be purely descriptive. If he says, "I mean to inquire whether the United States should have dropped the atomic bomb," or "I will argue that capital punishment is self-defeating," then he has a problem and the start of an editorial or a piece for a journal of opinion, but probably not an article for the REVIEW. If he poses a problem of fact, *e.g.*, "It is commonly supposed that Wilson was the father of the principle of self-determination, but I will show that the true origin was much earlier," then editorial judgment is suspended until it appears what answer he makes to the political scientist's demurrer, so what? An unsatisfactory answer here is a reason why historians so seldom succeed in placing articles in the REVIEW. Yet there is room, as Robert Dahl and others have lately urged, for many more studies that address a political scientist's questions to historical data.

Generally speaking, the problem needs to be political and it needs also to be intellectual. Whether it is one of substance or technique, whether it is a problem in theory, in doctrine or in behavior, it should invite the reader to join in a search for explanations and generalizations, hitherto unrecognized or unappreciated, about political phenomena past or present—phenomena that it is the business of political scientists to understand if they can.

Having stated this standard of editorial policy I should at once acknowledge that not all articles published in the REVIEW meet it, or meet it in equal degree. The border between information and analysis is not sharp. A study of an institition or of a doctrine may be more or less descriptive or critical. Expository treatments of such subjects ideally belong presumably in textbooks, but if these are inadequate a claim can be advanced for an article, similar to the claims on behalf of the service features already discussed.

VII. STYLE: THE SANCTITY OF AN AUTHOR'S WORDS

No one expects or wants a journal of articles by different authors to maintain a uniform English style except in its most mechanical aspects; and even in the form of footnote citations some diversity in authors' practices is harmless. Questions of editorial policy respecting style consequently turn on two points: the minimum standards applicable to manuscripts submitted for consideration, and the sanctity of the author's language in an article that has been accepted—or, putting it the other way around, the extent of the Managing Editor's license to tinker with that language.

On the first point there is little to say. Minimum literary standards are a notable barrier to the serious consideration of articles by foreign authors whose native tongue is not English, and unless the REVIEW were to print in other languages this will probably remain true. In the past five years, six foreign authors have seen their articles published, only two or three of them from countries outside the English-speaking world, and two at least of these had been in the United States for extended periods. Literary deficiencies have been contributing factors in the rejection of a good many articles from domestic sources as well, but here, with one special type of exception, they are usually associated with other more fatal difficulties, of conception, logic, organization and the like. Standing alone, they can usually be ameliorated, at least, if the editor is willing and free to devote time to reworking sentences. The exception is professional jargon and takes me to the second point.

I have heard it argued, and with conviction, that an article manuscript is an author's property and inviolate; and that the business of a professional journal is to reproduce it untouched—unharmed, some might say—for who else knows better what he means to say, and how else can colleagues judge him if they cannot be sure that what appears under his name is altogether his?

An editor would be exceedingly fortunate, in my experience, who could afford to accept that position. In practice it yields to two other considerations. An editor who can ultimately reject a manuscript can also insist on stipulated revisions before he accepts it, unless the author prefers to withdraw rather than revise. In turn, this power relationship evidently imposes professional and moral restraints on the editor, and with good will on both sides is generally understood and accepted. Beyond this is the fact that the editor has a responsibility to the audience as well as to the author, and because he is inevitably a reader himself, he may be more sensitive than the author to the audience's concern for a clear and readable style. In most cases these interests are not really in conflict and the editor does a service to both in helping an author to put his best foot forward with clarity, point and grace.

In this view, editorial policy should encourage the editor, in preparing a manuscript for the printer after it has been accepted—except in the case of state papers such as the presidential address—to improve the language wherever he thinks he can, to clarify and simplify, to economize on the use of words, to sharpen points, etc., saving to the author the right to see and object to changes, and the right, after argument, not to have words put into his mouth against his will. In practice the likeliest of the infrequent occasions for unreconciled disagreement in this give-and-take process arises when an author wants to employ a technical vocabulary to express what the editor believes can as accurately and more simply and understandably be said in words that are closer to common speech. No formula will settle all these differences, but a clear and readable style ranks high enough among the criteria of excellence in the REVIEW to warrant a considerable prerogative in the editor to attain it.

If a conclusion can summarize in a single sentence the points this paper has touched, perhaps it can be phrased in a reversal of Gresham's law: let the editorial policy of the REVIEW throughout be to encourage the superior to drive out the not-so-good.

TOWARD A DEFINITION OF BOOK REVIEW POLICY*

AVERY LEISERSON**
Vanderbilt University

A part-time book review editor is a sort of conscripted volunteer, and his problems resemble those of the amateur in any organized enterprise. He undergoes an educational experience in the course of which everyone hopes his mistakes will do as little harm as possible. He learns the things he can do something about and those he had better let alone, those things that have to be put in writing—when—and those things that shouldn't. Perhaps the best example of the first category is his decision to go to work; he is well advised to pick an editor-in-chief whose judgment and standards he respects implicitly, and whose idea of supervision is to create circumstances under which the book review editor can do his job better.† The second category consists largely of resisting the temptation to rewrite reviews. Apart from grammatical corrections, clarifying phraseology, and deletions based upon considerations of space, the book review editor should content himself with firm, polite reminders to reviewers, whose drafts he finds unsatisfactory, of the purpose of the review within the word limitation specified in the original invitation. This brings us to the two strategic principles upon which the B.R.E. in most cases can secure acceptance of his responsible judgment: (1) space allocation, translated into reasonable word limitations, and (2) time pressure, expressed in lead times to meet editorial deadlines. The same principles also operate to guide the B.R.E. in his correspondence; if he cannot speak his mind in one page there is apt to be something wrong with his thinking, and an administrative decision that cannot be satisfactorily stated in a public letter should probably be reconsidered.

The Concept of the Book Review Section. Pervasive and critical as it is, the space principle does not determine what proportion of pages the book reviews should bear to the total non-commercial content of the journal. In this REVIEW the percentage varies between 40 and 50, including bibliographical matter; the other journals vary downward from one-fourth to one-seventh. Explanations of this variation turn on the inclusion of bibliography, on the personal history of the editorship-in-chief, the composition of the affiliated association and sources of financial support, and the scope and audience of the journal—whether it aims at a discipline-wide content, specializes in a cross-disciplinary area or concentrates on a sub-disciplinary field.

The book review sections may emphasize one or more of three "service" functions: (1) disciplinary notice, (2) professional criticism, (3) conceptual analysis and re-formulation. Each is important; none is a substitute for, or should be confused with, original research and advancement of knowledge. Thus the book review section and book review policy must be subordinated to the requirements of the member-readers in the Association, editorial perceptions of the scope and state of the discipline, and the demands of the journal's multiple or special constituency.

National and regional political science journals in the United States tend to emphasize subject-matter coverage and professional criticism. The analytical reviews in *Public Administration Review* and *World Politics* provide an outstanding and welcome contrast. But both these journals follow an extremely discriminating policy in selecting books and they employ a format of joint reviews that approach articles of journal length. Such a policy implies the existence of other journals performing the coverage function, a special constituency, and a somewhat rare acceptance of the journal's pedagogical authority. If it be admitted that political science needs both broad coverage of single books in brief reviews and the review-essay, the two vehicles probably should not be combined in the same journal. The principal alternatives are bibliographical articles on special subjects, or periodic surveys of the literature in established sub-fields or interdisciplinary subjects in the manner of the *Psychological Bulletin*. Such an enterprise on any kind of comprehensive scale would require a full-time journal editor (the B.R.E. could be dispensed with), who would in turn appoint a special editor-analyst for each such study.

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* Presented at a special panel at the annual meetings of the American Political Science Association, September 8, 1961.

** A former Book Review Editor of this REVIEW, and now editor of the *Journal of Politics*. [Man. Ed.]

† I should add that the B.R.E. is fortunate indeed, as I was, to have a predecessor who had not only systematized the procedures of the job, but knew how to "swing" the replacement into the rhythm of the journal, in the manner of the runner handling over the baton in a relay race.

Selection of Books and Criteria for Reviews. When a book review editor is in the position of choosing among many books submitted by publishers, conventional practice permits him to adopt a two-fold classification consisting of "reviews" and a list of "other books received." Within his space allocation, he may differentiate between reviews and "briefer notices." What makes a book worthy of review is a compound of (1) the fundamental character and significance of the problem attacked, (2) the quality of data, analysis and interpretation, and (3) the author's achieved status and reputation. If the workmanlike research monograph of Ph.D. caliber is visualized as the norm for briefer notices, review status may be accorded any work which has the additional qualities of philosophic universality, relevance, timeliness, analytic insight and penetration, and brilliance and originality of presentation. Fortunately or unfortunately, the B.R.E. must assign review status, designate word limits and strive to maintain a balance among the fields of the profession *in advance* of reading the book or the review manuscript. It is in exercising this discretion, and in the selection of reviewers, that he has whatever responsibility he enjoys of "making policy" in his own right.

In the general political science journal, "review status" means 750–1500 words; a "briefer notice" may range from 200–400 words to the lower limit of reviews; "review articles" seem to vary from 2000 words up. Each format has its merits. I should underscore the value to the reviewer, as well as to the author and the profession at large, of the two shorter review-forms, when carefully and competently rather than casually done. The criteria of excellence do not substantially differ for reviews and briefer notices. The concise, accurate statement of the author's conception of the problem, what he did and how he did it, and the reviewer's objectively technical judgment of the author's contribution—these are the criteria, *not* extended analysis, *not* elaboration of alternative perspectives and methods, above all *not* personalised argument over the rectitude and acceptability of the author's position. The book review section of a professional journal is important not only as the place where productive entrepreneurs receive recognition and evaluation from their colleagues for their published work. It is also a significant testing ground of the reviewer and the level of professional discussion in the discipline. If I may hazard another personal opinion, a good research man or productive writer is not necessarily a good reviewer, but I do not know a good political scientist who is not a good reviewer in the sense defined above—if he wants to be. Which brings me to the final set of considerations pertinent to a statement of policy for book review editors.

The Selection of Reviewers. The practice of review by invitation poses a nice problem of "matching" for the book review editor. There is an objective appropriateness in the relation between book and reviewer that can only be estimated in advance. Many things complicate the matching process: the busy-ness of competent reviewers, the author's legitimate expectation of reasonable timeliness, the desirability of giving young members of the profession a chance to show their mettle, and the author's sensitivities to the quality of the man chosen to appraise his precious work. Every book review editor has to rely upon his friends and acquaintances, but he cannot possibly presume to impose upon them exclusively, or even primarily, when he has to assign for review 200 books or more a year published in at least eight subject-matter specialties within political science and a number of related disciplines. So he maintains, and at every opportunity solicits suggestions for, lists of potential reviewers classified by fields of interest. Certain books and authors will be snapped up by the first invitee, but in my experience it more frequently takes two, three and sometimes four requests to secure an acceptance.

Volunteer reviewers who indicate their willingness and availability are welcome and usually prove to be helpful, but volunteers who want to review specific books must be watched carefully. This is particularly true in the case of textbooks and research studies with which the volunteer has somehow acquired a personal animus that he does not divulge to the editor. On the other side, I found a high degree of objectivity and competence among persons who were associated in an advisory or consultative capacity with complex, collaborative research enterprises; the problem there was to overcome their feelings of conflict-of-interest.

Invitation to do a job implies acceptance of the competently done manuscript, and this binds the editor as well as the contributor. A part-time editor cannot afford the time to engage in running battles or disagreements over manuscripts, and this makes the original invitation all the more important. It occasions trouble when respondents are slow in answering mail; in my impatience to secure acceptances, I would sometimes send out another invitation after two or three weeks and then find myself with two reviewers for the same book. Perhaps debatably, I always honored the original solicitation.

Young reviewers and men on the make may take comfort in the fact that their better established colleagues are frequently uninterested in doing reviews; and the sensitive editor would much prefer to have an able, conscientious review than one which is done resentfully or superficially under pressure. I can happily testify to an experience with the older members of the profession of frank, regretful refusals when they are too busy or unable to respond to a request; but this would usually be more than made up on another occasion. Political scientists are almost invariably generous and aware of their professional obligations. This is indeed the principal compensation of an unpaid book review editor, together with the satisfaction he can take in a stimulating, rewarding, improving book review section.

One last point that the book review editor should keep in mind is that the lines of communication should be kept open between reviewers and his editor-in-chief; while the latter should not be a constant source of editorial intervention in disputes between the B.R.E. and the reviewer, or the author, it is appropriate for both to have a sort of appeal to higher authority over a reviewer's opinionatedness or a book review editor's arbitrariness. The editor-in-chief's control over the "Communications" or "Views and Opinions" section provides an excellent forum of appeal, and the best thing a review editor can do is to minimize appeals of the personalised variety, and reduce the chief editor's problems in this area to limited and definable situations. In the last analysis this comes back to finding the right man to review the right books. The book review editor capable of living with these ambiguities will probably not enjoy his job too much, but he ought not to disparage himself for what he does either.

COMMUNICATIONS

To the Editor:

I must protest against some of the points that Professor John A. Armstrong saw fit to raise in his review of my *A History of the Cold War* (Sept. 1961). About John Foster Dulles I wrote that "from his racial background, this Dutch American, an early admirer of the Boers against England, unusually sympathetic toward Germany, brought with him an enduring small core of distrust against England." This, I believe, is a reasonable expression of well-known conditions; yet Mr. Armstrong calls it an "extreme, almost ludicrous deduction." I wrote that "Stalin's ambitions were expansive; but they were national rather than international, Russian rather than revolutionary": Mr. Armstrong calls this a "drastic oversimplification." Why "drastic"? I did not write that Stalin's ambitions were *not* international and *not* revolutionary; I wrote that they were national *rather* than international, Russian *rather* than revolutionary. Mr. Armstrong says that I accepted "the myth" that "many thousands of Russians, Ukrainians and Tatars moved spontaneously over to the Germans' side" in the early phase of the German-Russian war. The "myth" to which Mr. Armstrong refers (and I emphatically agree with him) is the current notion that millions of dissatisfied Soviet citizens deserted to the Nazis: but I said *thousands*, not millions. All of the preceding are quotes from my book exactly as they were cited by Mr. Armstrong in his review. I can only deduce that he has not read them well enough.

The most serious—and perhaps the only really serious—charge in Professor Armstrong's review is the assumption of my "spotty acquaintance with the mass of critical material, scholarly and memoir, on postwar events." With *what* materials? The memoirs of, say, Sherman Adams? The New York Times Index? Or State Department propaganda releases? Or the politico-psycho-strategical *magna opera* produced by the RAND Corporation, by Messrs. Kissinger, Kahn, *et al.?* Or the clipping calendars compiled by the Brookings Institution? Or the papers of six hundred symposia from Pugwash or Arden or from some other dear park? Professor Armstrong was generous enough to mention my "massive" and scholarly *The Great Powers and Eastern Europe*, a book that contained 125 pages of footnotes, a bibliography of more than a thousand entries, and a 31-page index, a book that, incidentally, sold seven hundred copies since its publication eight years ago, and from which dozens of reputable scholars have borrowed and stolen ever since. I can only presume that Professor Armstrong was set aback by the now unorthodox condition that in *A History of the Cold War* I put not many referential footnotes, and no bibliography at all. Nor did Macaulay. Or Tocqueville. Or Churchill.

John Lukacs

Chestnut Hill and La Salle Colleges

To the Editor:

It is obvious that part of the difficulty in interpreting Professor Lukacs' work arises from his singular word usage. I am unconvinced, however, that the principal point at issue is semantic. I shall not take the space here to demonstrate further that his central interpretative theme is the dominance of national characteristics, including "racial" ones, for his insistence on interpreting Dulles' allegedly pro-German and anti-British policy by reference to his Dutch ancestry seems ample evidence on this point. But I should suggest that Professor Lukacs test the validity of this line of interpretation by applying it to that other Dutch-American, Franklin D. Roosevelt.

John A. Armstrong
University of Wisconsin

ON NORMS, ROLES AND FOLKWAYS

To the Editor:

Professor Donald Matthews is right to correct my interpretation of his book: I certainly would not have attributed so extreme a position to him as he has now taken in his "Communication" to this Review, Vol. 55 (December, 1961), pp. 882–883. I readily concede that his "folkways" of the Senate are widely shared among senators—they are, after all, pretty much like the little rules for getting ahead which obtain in most institutionalized groups—and that going against them is not the way to popularity in the body. But I doubt very much that he has discovered all the patterns of acceptable behavior in the Senate, and I think he is mistaken to reify the Man of Accommodation as the only effective senator.

My suggestion that the "Outsider" role in the Senate is legitimate is helped by the example Matthews has mentioned of genuinely deviant behavior, prostitution. The fallen lady is and always has been stigmatized by society and usually has been subject to punishment by law. This hardly fits the situation of a Proxmire or a LaFollette in the Senate. Furthermore, when the picture of a known prostitute is hung in a public building as an outstanding example of American womanhood I will say that prostitution, too, has become a legitimate role.

As for my general argument, I am glad to let my article stand on its own. It is common knowledge in the discipline, I think, that the concepts "norm" and "role" can be defined several ways, which is why they are useful for different analytical purposes, and both have a behavioral dimension. It is common sense that a person in choosing a role may take more than one factor into account, including his own temperament.

Ralph K. Huitt
University of Wisconsin

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BOOK REVIEWS

Who Governs? Democracy and Power in an American City. By Robert A. Dahl. (New Haven and London: Yale University Press, 1961. Pp. vii, 355. $7.50.)

One is tempted, on first thought, to locate Professor Dahl's research on New Haven's influence structures and processes in the polemical context of other community studies—from the Lynds' Middletown through Warner's Yankee City and Jonesville to Hunter's Regional City and beyond. At least it is not far-fetched to predict that some reviewers will appraise this book in just that context. And I have no doubt that the book will join the classical community studies as a classic in its own right. But as Professor Dahl himself hardly touches on the possible comparisons with other community studies which could be made (though we know, from some of his other writings and those of his associates, that he is quite self-conscious about it), I shall resist the temptation of dwelling on the obvious. For doing so, it seems to me, would only detract from what I feel is the central importance of the book. This is the problem of the relationship between the findings of empirical research on political behavior and the theory of democracy.

Some years ago, the authors of a well-known study of voting behavior, on reviewing their findings, came to the shocking conclusion—shocking, at least, to them—that not all was well with democratic theory. It is easy, from the vantage point of hindsight, to charge them with naivete. But for decades it has been fashionable to blame the practices of democratic politics rather than the theory of democracy for what were more or less vaguely felt as lasting shortcomings, and to accept what one could not do much about as a kind of price for the luxury of indulging one's fantasies about an unperverted democratic system as it might exist in a Platonic heaven.

On the other hand, the relationship between political theory and the facts of political life is such that, if one does not wish to blame the facts, one may easily tailor one's theory to fit the facts. Conservative thought and, indeed, some empirical formulations of politics in equilibrium terms, come at times close to doing just that. I don't think, and I'm at last coming back to the book under review here, that Professor Dahl can be accused of either the normative or the naturalistic fallacy. He has left, in the last ten years, a too clearly discernible and distinguished trail of his theoretical journey. If the journey ends, for the time being, in New Haven, it is, in part, because that is Professor Dahl's home town, a convenient real-life setting for testing or at least demonstrating some of his propositions about the political process in a pluralist democracy. The choice of New Haven as a research site, or the contribution the book makes to community research, seem to me rather secondary considerations. Any other research site or situation might have served equally well what I sense to be the book's critical objective.

In the present stage of behavioral research, on the one hand, and development of political theory on the other hand, neither can be allowed to become a strait jacket for the other. Professor Dahl successfully avoids falling into this trap. He presents not only a series of proofs which, of course, require theoretical stability, but also a series of fresh hypotheses, especially regarding the twin problem of stability and change and the problem of democratic consensus. In other words, Professor Dahl's empiricism is not a *cul-de-sac* of specious objectivity. I say this because my own inclination, unlike Professor Dahl's, would be to withhold certain speculations, no matter how empirically relevant, from the public gaze until more evidence is in. But this, I suspect, is more a matter of temperament than of methodological etiquette.

Professor Dahl's approach in studying the politics of influence in a pluralistic system with, in his own words, noncumulative or dispersed inequalities, is as plural as the political order he investigates. Three broad research strategies serve his purposes. First, a historical analysis of the transformations of New Haven's ruling groups. Second, case analyses of three arenas of policy-making—party nominations to public office, urban redevelopment, and public education. And third, a cross-sectional analysis of the distribution of resources among New Haven's citizenry. This cutting into the research pie from quite different angles is dictated by Professor Dahl's complex model of the democratic order in a competitive environment—a political system in which the politics of influence is not a zero-sum game, but a function of highly fragmented patterns of more or less direct influence, of reciprocal relations between leaders, sub-leaders and constituents, of shifting coalitions and bargaining between more or less overlapping networks of influentials who specialize in different issue areas, of varying structures of influence such as "executive-centered coalition" or "rival sovereignties," and of different and unequal distributions of those resources whose successful mobilization is the task of politics. As a result, Professor Dahl manages to escape, on the one hand, the fallacious conception which confuses the bases of influence with its scope, and, on the other hand, the equally fallacious *notion* that, because *influence* has been exerted, it is, of necessity, an all-pervasive and unified phenomenon. On the contrary, Professor Dahl shows that influence can be fragmented, both with regard to control over resources and with regard to issues, and yet can be mobilized, under certain conditions, for effective decision-making in a plural-democratic order.

With its broad-gauged theory, but middle-range empiricism, Professor Dahl's book is more than just another community study. It is a sophisticated and undogmatic treatise on democratic politics. Only in the concluding chapter does Professor Dahl take the role of the pundit who, with authority but usually with less supportive data than Professor Dahl commands, speaks about power elites, mass democracy or countervailing powers. And so we hear about *the* political stratum and *the* ordinary citizen. But fortunately, Professor Dahl is aware of the pitfalls of empirical generalization. Speaking of the function of beliefs in the engineering of consensus—"a recurring *process* of interchange among political professionals, the political stratum, and the great bulk of the population"—Professor Dahl is quick to point out that consensus is not a static and unchanging attribute, but "a variable element in a complex and more or less continuous process."

This, then, is a book in political science, more than a book about local politics in an American city, which no political scientist, whatever his area of specialization—international, comparative or domestic—can afford to miss. Because of its generic character, it is rather unfortunate—and I don't want to sound stuffy—that the book's index is so unsatisfactory. Some of Professor Dahl's most interesting concepts and usages have been omitted.

HEINZ EULAU

Stanford University

BL

Recognition of Communist China? BY ROBERT P. NEWMAN. (New York: The Macmillan Company, 1961. Pp. ix, 318. Cloth, $4.95; paper, $1.95.)

During the winter of 1954–1955, college debate teams throughout the United States had assigned to them the subject: "Should the United States Recognize Communist China?" The topic was obviously a rather foolhardy choice considering the recent military clash between armies of the two nations in Korea, and the temper of domestic politics. At that juncture in time, the subject of recognition of Communist China was not "debatable" in the United States. That it was not was illustrated even within the forensic fraternity: West Point, Annapolis, the other Service academies and a number of Roman Catholic colleges refused to permit their teams to debate the topic.

We can, however, be thankful for the brashness of those who, in 1954, chose the highly controversial theme, since the debate began the involvement of speech professor Robert P. Newman in the subject of United States' recognition policy toward the Chinese People's Republic. Seven years later we have his book on the subject; it is an excellent contribution to the continuing debate.

The merits of the book are many. By breaking the argument down into a number of subdivisions, and by ordering the great mass of data around these points, he makes it possible for rational processes to begin to operate again on this emotion-laden question. In his presentation of the material he is careful to let the protagonists speak for themselves, although his skill in weaving the quoted evidence together overcomes what might well have been a major handicap to readability. Furthermore, it is obvious that a high sense of moral purpose guides his research and writing. Because he sets such high standards for himself, he is distressed when he finds that others do not always follow equally puritanical codes. For example, he is concerned that the late John Foster Dulles seemingly repudiated an early pro-recognition stand as the price for the position as Secretary of State. And Newman, discussing the 1957 edition of Dulles' *War or Peace*, comments: "His facility for incorporating two irreconcilable positions [on recognition of Communist China] within the covers of one and the same book is indeed amazing."

It is in the statements of top State Department personnel that the author finds the greatest degree of biased argument. He makes note of the complete absence of any reference in State Department publications to the highly probable beneficial effects of United States' recognition of Communist China on our relations with a number of nations such as Japan, Great Britain, New Zealand, Denmark, Norway, etc., as well as on neutral nations. He carefully compares the legal arguments made during the Eisenhower Administration by such officials as Walter S. Robertson and Walter P. McConaughy with all the recognized authorities on the subject of recognition and concludes that the Department of State has "attempted to apply wholly spurious criteria to recognition." That partisanship is not behind this analysis is suggested by his recalling that it was during the Truman Administration that the Assistant Secretary of State for Far Eastern Affairs, Dean Rusk, on May 18, 1951, made public the nonrecognition policy for the first time, and developed many of the arguments that were to become the stock in trade of the Department for the next decade. Furthermore, Newman points out that in 1961 Dean Rusk, as the new Secretary of State, supported the nonrecognition policy with the argument that "recognition of Red China would require abandonment of the National Chinese government of Chiang Kai-shek," an argument that, by implying more than it says, becomes a distortion of reality. Recognition of Communist China would, of course, mean giving up support of Chiang's claims to being the government of mainland China; it would not mean abandoning Chiang and his regime on Taiwan.

The substantive conclusions reached fall under three clusters of questions relating to different phases of the argument on recognition. These are grouped under the headings: (1) moral issues; (2) political issues; and (3) issues of law. Space does not permit a detailed review of the fifteen questions into which these three are broken. However, a brief summary might at least be suggestive of Newman's approach.

CONCLUSIONS

He analyzes the moral arguments under, first, the comparative merit of the two rival regimes; secondly, the question of America's word of honor, involved as it is through our pledges to the Nationalist regime; and lastly, the broad matter of support for the rule of law. He decides that on the first, Nationalist China has a slight edge, on the last that the rule of law would be supported by recognition, and that the issue of honor breaks about evenly. He concludes that the moral arguments may be interpreted to support continued nonrecognition but by such a narrow margin as to be inconclusive.

The second group of issues, the political, comprises the largest of the three with some eleven different arguments analyzed. On four Newman finds that the evidence is clearly in favor of recognition. These are: to improve communication and negotiation; to improve our stature and influence in world affairs; to avoid defeat on the representation of China issue in the United Nations; and to face political reality by not continuing to view Communist China as a passing phenomenon. On another four he concludes that the arguments support a moderate pro-recognition stand. These include the need to convince the rest of the world that we are not sabotaging a possible disarmament agreement; to bring China into the world network of international organizations; to expand trade; and to put mainland China on the spot for being the one that is guilty of preventing a normalization of relations in the Far East. This last would result from China's likely rejection of any United States' unilateral recognition offer. And lastly, the author finds that on three other political issues the evidence is not clear-cut. The three indecisive issues are: the effect on our Asian allies; the possibility that recognition might increase subversive activities in Southeast Asia; and the impact on Soviet-Chinese relations.

Check these for art (

In reviewing the conclusions on the final set of issues, those of law, the author's words succinctly summarize his findings: "Both the force of American precedent and the requirements of international law support recognition of any government with effective and reasonably permanent control of its territory—and this does include Communist China."

On the basis of the strong pro-recognition conclusions to the political and legal sets of questions, and the near-split on the moral, the author concludes his exercise in the rational analysis of political argument with a strong recommendation for United States' recognition of the Communist Government of China, adding, "with or without a guarantee of reciprocity, with or without agreement on Peking's part to renounce all claim to sovereignty over Taiwan."

NB

I find myself in complete agreement with the author. He has done a superb job of presenting all salient aspects of a tough, and politically touchy, problem in our foreign and domestic politics. I doubt, however, if the American public is much closer to accepting his conclusions today than it was to listening to the collegiate debaters in 1954.

ROBERT B. STAUFFER

University of Hawaii

The Cuban Story. BY HERBERT L. MATTHEWS. (New York: George Braziller, Inc., 1961. Pp. 318. $4.50.)

This is a book-length news story and editorial, written in both haste and heat, about a series of events for which Mr. Matthews of the *New York Times* conceives an exaggerated

Note similarity, i.e. conclusions w/o reference to available data about failure of communication, trade etc.

personal responsibility. *The Cuban Story*, or rather the Cuba-Matthews-Castro story, opens with the author's famed interview with the elusive Fidel, on February 17, 1957. It does not follow from the achievement of this notable scoop that one must agree with all the journalist's interpretations of subsequent Cuban developments; or even that the people (such as this reviewer) who sensed before Matthews did that the Communists were moving in on *fidelismo*, were all "at best naïve and at worst fools, simpletons, or knaves."

Though Matthews covers the critics of *fidelismo* with purple invective and fugitive innuendo, he never does really come to precise grips with detailed, critical reports that were available to him when he wrote the book—such, for example, as the Draper studies, to which Matthews makes isolated references where they suit his purposes. Except for a devious and labored argument that seems to say that democratic Latin American reformist leaders are afraid of losing prestige to *fidelista* movements, Matthews never offers a substantive answer to the criticisms of notable former Castro supporters such as José Figueres, Rómulo Betancourt, and Luis Muñoz Marín.

The political scientist or historian may agree with journalist Matthews that on January 1, 1959, the *fidelista* revolution was not Communist, and was not *hecha en Moscú;* or that in many blundering ways before 1959, U. S. conduct in Cuba made it inevitable that the republic would undergo a wave of antigringoism. One may warmly endorse the author's plea for greater U. S. awareness and understanding of the bursting social revolution in this hemisphere. The political scientist may take only mild exception to the Matthews view that the *fidelistas* turned to totalitarian socialism as late as summer or autumn of 1960, or even to the threadbare argument that Fidel was somehow "forced" into the Communist sphere by mistakes committed by the United States after the revolution.

On two other counts that are more profound, many political scientists are likely to part company with Herbert L. Matthews.

First, despite all his years on a great newspaper, Matthews never seems to grasp the nature of the deep conflict that now engulfs the U.S.A. and the U.S.S.R., and the rôle of the Cuban forward position of the U.S.S.R. in that conflict. At one point late in the book, the author confesses that *if* it should turn out that the Cuban regime is "actively playing a rôle on the side of the Sino-Soviet bloc against the United States," then the *fidelista* government "will have to be destroyed." But this, like many similar contradictory statements whereby the author may hedge against his critics, is totally out of character with the dominant *motif* of the book. The treatment of the U. S.-Cuba question goes rather in this style: (1) Cuba is not yet Communist, (2) acceptance of Communism by Cuba need not mean its participation in the Sino-Soviet bloc, (3) in any event it is not yet in the Sino-Soviet bloc, (4) even if it were, we should be able to live with it, (5) if we interfere, it might cause a holocaust, and (6) there is no point in interfering because the Soviet leaders wouldn't fight a war over a region so far from the U.S.S.R. In response to this bewildering argument, political scientists might have something to say about the implications and goals of competition between two behemoths in a world of bipolarized power; and logicians might wish to add a few words about internal coherence and about arguing from the conclusion to the premises.

Secondly, it is startling that Matthews, of all people, reveals no comprehension of the meaning of the age-old struggle between liberty and tyranny. The journalist presents Fidel's self-righteousness and messianism almost as though they were virtues. Even Castro's interminable speeches are "effective, clearly reasoned, interesting, and well organized." There are the inevitable brief allusions to certain defects, which a determined defender of Matthews might twist out of context as evidence the journalist is really quite anti-Castro; but these run contrary to the prevailing message: Fidel is a prophet, *fidelismo* is the wave of the future, we'd better adjust ourselves to the facts of life, and the facts of life are not so bad anyhow.

No anti-democratic practice of the regime is so revolting as to be unworthy of Matthews' praise or at least his apology. He can even find something good to say for the 30-year imprisonment of Huber Matos, and for the executions ("By revolutionary standards, this has not been a sanguinary affair."). It is central to Matthews' theme that Cuba is undergoing a "real revolution"; that a revolution "is not a tea party"; and that a social revolution cannot tolerate either elections or liberty. The author repeatedly assures us that Cubans are not Anglo-Saxons, and cannot take one hundred years (as it allegedly took us) to bring their revolution to fruition—as though it takes a century to create a multitude of independent proprietors or to organize an election. The meaning of the recent pamphlet, *No hay revolución sin libertad*, by Costa Rican left-wing political leader Luis Alberto Monge, would be lost on today's Herbert L. Matthews. As in Greek tragedy, there is here a distressing flaw.

It is the flaw whereby a sympathy for despotism as a means to attain their goals throws certain great liberals into the same camp with the most tyrannically minded reactionaries.

The truth is that there is ample evidence on every continent that distribution of the economic, social and political instrumentalities of power, and creation of a pluralist society, is *not* just a Yankee gadget, *is* applicable everywhere, and *must* be the primordial beginning point for the fruition of any popular social revolution. In fact, it can be argued that until the day comes when Cuba, and much of the rest of the world including Russia and China, have undergone their revolutions against feudalism-collectivism and for the individual liberation of man from the chains of monolithic political and economic power, they will not have had any revolutions at all. One hopes the great journalists of the world will help to hasten the day by catching up on their homework.

WRITE TO JAMES L. BUSEY
University of Colorado

Russia and The West Under Lenin and Stalin. BY By GEORGE F. KENNAN. (Boston: Little, Brown and Company, 1960, 1961. Pp. x, 411. $5.75.)

Originally prepared as a series of illuminating lectures delivered at Oxford University in 1957–58 and at Harvard University in the spring of 1960, George Kennan's book brilliantly combines the best of two worlds. In the depth of its scholarship it clearly reflects the author's association with the Institute for Advanced Study, while in its more informal asides and colorful personal recollections it convincingly portrays Ambassador Kennan's long and significant diplomatic service. The reviewer is indeed struck by the steadily recurring dichotomy of this valuable book. One sector of it is based on a scholarly investigation of the nature and limits of Soviet totalitarian government under Lenin and Stalin as projected into the complex domestic and foreign relations of the Russian state, while the other presents a series of lively profiles of the leading figures of the last four decades of world politics. In effect, these beautifully drawn personality portraits lend the book a liveliness and vividness most unusual in the world of the historian's scholarship. As the dramatic narrative progresses from one of these historic vignettes to the next, the absorbed reader is reminded of William Shirer's *Rise and Fall of the Third Reich* which pursues—although on a far different and considerably more popularized level—a similar approach to the intricacies of contemporary international relations.

Kennan's discursive method reflects the author's original intent: to present the 1917 to 1945 period of Soviet development in the form of a series of loosely and leisurely organized lectures, each devoted to a narrow central theme while indirectly also dealing with a broader world political setting. The lecture form itself then implies a great deal of summarizing, a certain amount of repetitiousness and colloquial asides which have been conspicuously absent from Kennan's other writings. A delightful sense of informality pervades this important work and guarantees in advance a long and healthy tenure on the national nonfiction best-seller list.

The book is divided into twenty-five chapters of which the first fifteen concentrate on the Leninist period, with the sixteenth (a most sophisticated essay on the importance and relevance of Great Britain as a continuing "Soviet target") serving as a transition-link between Lenin and his successor. The next eight chapters offer a scintillating insight into the operational details and political structure of Stalin's regime. The final lecture ("Keeping a World Intact") is frankly a puzzler since it so openly conflicts with Kennan's entire philosophy as lucidly expressed throughout his work. Maybe the cautious historian has yielded his place here to the exuberant diplomat turned *voyeur*, an uninhibited forecaster of future trends in the development of Soviet-American relations. Throughout his lectures Kennan firmly stressed his inner conviction that despite their multiple acts of recognition, business talks and endless political conversations, the leaders of the Soviet Union were firmly and inflexibly devoted to the total ultimate destruction of the capitalist world and to the final and complete victory of Communism. Yet here we are suddenly reminded that what the author has patiently described in previous chapters was merely "the eras of Lenin and of Stalin, and not that of Khrushchev," and that the differences between these periods of Russian history are both relevant and fundamental. Suddenly, and for no obvious reason, the Soviet regime's basic assumptions and strategic expectations seem to have altered with major consequences for American diplomacy and for our national posture. We must give up our previous, Stalin-based preconceptions and prejudices *vis-à-vis* today's Soviet Union and compare instead our present relationship to the Soviet leadership with "the national level of recalcitrance, of sheer orneriness and unreasonableness, which *we encounter in the behavior of states anywhere.*" (Italics mine.)

While this conclusion might be tenable in the context of a different type of analytical treatment, it is unacceptable as a prescription for conflict-resolution after the systematic and lengthy theorizing to-the-contrary in the previous twenty-four chapters (or lectures).

This concluding "sermon" cannot detract, however, from the overall merit of the historic gems which punctuate *Russia and the West Under Lenin and Stalin.* This reviewer was particularly impressed by the scope and sweep of "The Siberian Intervention" (Chapter 7) including the vivid story of the Czechoslovak Corps or Legion; by the gripping and colorful vignette on Stalin ("Stalin as a Statesman," Chapter 17) forcefully applied to the murky and mysterious Sino-Soviet relationships ("Stalin and China," Chapter 18) and by the original—and occasionally debatable—analysis of the Soviet-German "Nonagression Pact" (Chapter 21). But while one may take exception to Kennan's portrayal of Hitler, and future historians are bound to disagree with some of his value-judgments, no one could perform a more scintillating piece of diplomatic surgery (or postmortem) on the anatomy of the Hitler-Stalin pact. "The ultimate aims of Stalin's Russia were contrary to the wartime purposes of both the great warring parties in the West. Hitler, with his brutal realism, recognized this, and was reconciled from the start to the instability of the German-Soviet relationship—to the fact that there would soon come a day when it would have served its purpose and would have to end."

ANDREW GYORGY

Boston University

A Report on Social Security Programs in the Soviet Union. Prepared by the U. S. Team that Visited the U.S.S.R. Under the East-West Exchange Program in August-September 1958. U. S. Department of Health, Education, and Welfare. (Washington: Government Printing Office, 1961. Pp. 157. $1.00.)

Social security programs have now become important institutions in all but the least developed nations of the world, despite widely varying political and economic systems. The underdeveloped nations are also expressing intense interest in the programs of the more advanced countries. They look upon the extent and quality of a nation's social welfare institutions as one significant measure of its character.

As our own social security system matures and faces increasingly difficult decisions, it becomes more important to have specific knowledge of systems elsewhere. Relatively little of a detailed nature has been known in this country regarding these vital institutions behind the iron curtain. We have cause for gratitude that an agreement between the Department of State and Soviet officials under the East-West Exchange Program made possible a visit to the Soviet Union by a team of U. S. social security experts for an intensive 30-day on-the-spot investigation of the U.S.S.R. system. The resulting Report is correct in its claim that it constitutes "the most complete statement of certain aspects of the social security system of the U.S.S.R. in the English language." Moreover, the extraordinary talents of our investigating team, made up of five high officials of the Social Security Administration, resulted in an unusually sophisticated and pertinent inquiry.

Although the authors point out that the different economic and political conditions of the U.S.S.R. require a social security system different from ours, this reader found the similarities remarkably striking. The basic problems of income maintenance against the hazards of old-age, death, disability, illness, and unemployment are universal. The response to these problems in industrial societies does not appear to vary very greatly and the methods available for dealing with them are not limitless.

The Report makes clear that the material needs of families in the U.S.S.R. are being planned for and met through a widely developed and extensive social security system which is uniform throughout the 15 republics. The cash benefit programs cover a broader range than our public programs. They include: sickness benefits, with no waiting period and no limit on duration, at 50–90 percent of most recent earnings; maternity benefits for a 16-week period at 100 percent of pay; industrial injury and disease benefits at full pay; family allowances for children in large families and for unmarried mothers at relatively low levels; retirement pensions which average about 65–70 percent of past earnings; disability pensions which are graded by degree of disability; survivorship benefits which are similar in amount to disability pensions.

There is no program of unemployment benefits on the theory that there is no unemployment in the U.S.S.R. On the whole a condition of full employment does exist, but there are of course inescapable episodes of frictional and structural unemployment, and less formalized means are available for providing for people temporarily out of work.

The national system is largely concentrated on urban dwellers. Most peasants—those who live on collective farms and constitute about 40 percent of the labor force—are outside the basic system, although collective farmers and their families have the same provisions for medical care and for family allowances as the remainder of the population. In addition, modest benefits are provided through mutual benefit societies established at each collective farm.

Because public medical care programs are administered by the Ministry of Health rather than by the Ministry of Social Security, the study team did not investigate those programs. This results in a significant gap in the picture furnished by the Report as medical care is basic to judging the adequacy and balance of many other social security provisions. For example, it does not appear possible to measure the value of retirement benefits for the aged without reference to the costs of medical care which they are expected to shoulder.

Among the findings which the study team regards as especially noteworthy for the United States are: 1) the idealization of productive work on the part of every individual capable of working has resulted in development of programs and techniques for employing the aged, the physically handicapped, and many others unable to perform in competition with more able-bodied workers. 2) Emphasis on research in disability and welfare programs is apparently yielding results in making such people more nearly self-supporting. Research in social security has been accepted by Soviet officials as essential for effective and economical administration. 3) Despite political and economic centralization in Moscow, there is substantial decentralization of administrative authority and responsibility although not of policy. 4) Research institutes are engaged in developing guides for physicians and medical examining commissions for determination of disability for purposes of eligibility to social security benefits. "This is an area of scientific endeavor which is of considerable importance to disability insurance programs in all countries." 5) Experience recently convinced the Soviets of the necessity for instituting a retirement test for receipt of old age pensions. This has been fundamental from the beginning in the United States program, but there has been increasing pressure here to abandon it and it has been generally liberalized and completely removed for persons 72 and over. It is doubtful that many advocates here have considered the additional costs which a removal of the retirement test would incur. Soviet authorities found it too expensive and "stated that a more equitable distribution of funds could result if fully employed persons did not have a full pension in addition to their wages."

This reader was also impressed by the fact that benefits under the Soviet system are, like ours, based upon individual past earnings. They are, like ours, generally weighted so that those with low earnings receive relatively higher benefits. Although pensions are available at lower ages—60 for men and 55 for women, reflecting the different age structure of the Soviet population—the average retirement age is between three and four years above the statutory minimum age, which is similar to our experience.

Unlike ours, financing of the entire Soviet programs is non-contributory for the workers, being entirely paid for by contributions of the employing enterprise and the government. All sickness and disability programs are related to encouraging recovery and job adjustment and reemployment where necessary. In such programs there is administrative concern with the quality and relevance of medical care, not frequently enough the case in this country. Unlike this country, the system is in part used to furnish incentives to direct people to occupations in which the government wants them.

The Report is both fact-filled and analytical. Social security is thoughtfully related to other economic and social conditions such as wages, hours and working conditions, including some data which the reviewer has not encountered in other sources. The authors not only evince a high regard for accuracy and thoroughness but attempt to be scrupulously fair. They point out that the system is highly regarded by the Soviet people and that it is "well administered with a genuine concern for the people's material welfare on the part of the social security officials." There are, however, places where the authors give way to a tendency to compare the general run of benefits under the Soviet programs with the very best available in this country. The total picture is creditable in comparison with most western countries and would have been even more impressive had medical benefits not been omitted.

The great value of this Report suggests that it would be profitable to our general understanding of comparative government if we had more explorations of the detailed experience of specific operating programs in many countries. The realities of comparative public policy and public administration will not become clear without them. This report can be studied with benefit by students of comparative administration, government, economics and social welfare not only for its information but as a model for competent inquiry.

HERMAN M. SOMERS

Haverford College

Political Influence. BY EDWARD C. BANFIELD. (Glencoe: The Free Press, 1961. Pp. vi, 354. $6.00.)

Professor Banfield's book examines political influence in the "Second City." His treatment is undertaken on three levels. The first section comprises descriptive narratives of six controversies in Chicago: the effort to build a branch of the County Hospital (unsuccessful); the absorption of the city Welfare Department by the County Welfare Department; the attempt to gain state subsidization of the Chicago Transit Authority (unsuccessful); the Fort Dearborn Project to revitalize the central business district (unsuccessful); the effort to establish a Chicago campus of the University of Illinois (also unsuccessful); and the building of an Exhibition Hall. Banfield then devotes his second section to generalizing from the case studies to the structure, process, and mythology of influence; and in his third he attempts a general model of power and coordination in metropolitan politics and a normative evaluation of how the present system now serves the public interest *vis-à-vis* alternative structures.

In reviewing this work, I should like to examine four problems. First, Banfield genuflects to the cry popular among us all for "systematic comparative analysis." At the minimum this would seem to require that each researcher self-consciously articulate his research design. But the reader here is left uninformed as to the criteria for defining the universe of controversies "of city-wide or more than city-wide importance" or as to what is left out and why when one has only "virtually a 100 percent sample." On a different level, three of the controversies, and perhaps a fourth, are site controversies. Does this mean the disputes as to land-use provide the unifying focus of metropolitan politics in Chicago? Does it mean that site-questions constitute a *phase* in the life-cycle of political issues, a new potential veto point to which initially defeated opponents inevitably retire? Alternatively, if land-use disputes are the stuff of influence attempts in Chicago, then this cries out for further inquiry. Why doesn't the social structure of the city give rise to disputes based on ethnic, religious, class, generational, etc., conflict? If we are to work toward comparative analysis, then we must begin to sort out and tentatively rank independent and intervening variables. Is the incidence of higher formal education, of blue-collar jobs, etc., different in Chicago from that in other major American cities? If not, then does the political structure operate as an intervening variable to depoliticize identifications and demands that elsewhere become highly politicized? What is—what are—the possible relation(s) between political structure and social structure? This is not something the author does not concern himself with: Banfield at several points draws attention to the impressive strength of the Democratic machine in Chicago and explicitly contrasts this with New York. Why has the machine persisted in Chicago? Where are we going to place our bets?

A second question arises concerning the use of role theory. If role is position and positions have occupants, then doesn't systematic comparative analysis require inventories or samples of alternative role occupants? For example, the civic leaders in Chicago are characterized as overwhelmingly Republican in national politics yet inactive in local Replican politics. Why? And what about national Democrats or local Republican activists? Why are they so? Are there functional (sub-role?) consequences? Alternatively, are these civic leaders high stationary or upwardly mobile? Do factional alignments exist among them on local issues? Are they to be characterized by a political ideology with content, cohesion, and dominance in the system? We learn little in response to such questions. Perhaps this is a consequence of the author's studiously non-statistical approach; but a cost of this apparent choice is the high risk of drowning one's reader in the welter of discrete names, places, dates that make up case study narratives.

This lack of statistics is associated with what I see as a third problem. In his chapter on the mythology of influence, Banfield does not hesitate to attribute a concrete view of the power structure to Chicagoans. Yet he employed no survey instrument, no adult sample. If he is generalizing from the informal interviews with the civic leaders *et al.* then I suspect it would be more useful for us to determine not (a) that most or many hold a monolithic image in their minds but (b) that differences in power images are (or are not) associated with different roles, different kinds of power, differing degrees of influence. But this requires more systematic data-gathering and analysis.

As it is, Banfield imposes an interpretation upon his data without providing us with much for assisting independent judgment as to whether they bear such burden. He informs us that civic controversy in Chicago arises out of the survival needs of large formal organizations—and not from group interests (among other causes rejected); yet the examples given seem to this reviewer to fit entirely within the group approach, and I think we ought not to become intrigued with terminological distinctions unless the advocate can demonstrate some net increment in understanding or research utility. In this same light, Banfield generalizes a business-transaction model. Whether this model is useful will be proven in the marketplace of future research proposals; whether it is different—except in terminology—will be evident to those familiar with the political economists' control-process models of hierarchy, polyarchy, bargaining, and price system.

Other readers undoubtedly will discern different virtues and faults. But there will be other readers, I am sure, because the book comes as a welcome addition to the meager, and far less satisfactory, literature on urban and especially metropolitan politics. The questions are raised precisely in the hope that more political scientists will follow in Banfield's pioneering attempt, for Banfield has torn our attention away from the navel of small towns and has also correctly avoided the sociological approach to community power structure associated with Floyd Hunter. But in reaction to what might now be accorded a decent death, there is a danger that we draw back too far from useful tools of other social sciences.

HARRY M. SCOBLE

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Exploring the Metropolitan Community. EDITED BY JOHN C. BOLLENS. Contributors: John C. Bollens, Scott Greer, Werner Z. Hirsch, Carl A. McCandless, Henry J. Schmandt. (Berkeley and Los Angeles: University of California Press, 1961. Pp. xvii, 492. $7.50.)

The metropolitan area, variously defined in detail, but presenting a reasonably clear concept to most social scientists, has become the focus of a considerable body of study in the past few years, an expansion of an already sufficiently formidable literature. Many of these studies and their reports have been oriented towards reform (a matter which is somehow suspect and distasteful to many members of the political science profession). Some have been entirely informative or diagnostic. This present volume is one of the products of the widely known and intensive study of the St. Louis area, which attempted to combine with an action and reform-oriented program a careful and detailed analysis of certain economic features of the area, an examination of the opinion climate, and the measurement of local governmental services. Surveys in other cities have resulted in recent reports of similar character based on areas such as those of Cleveland and New York.

The Ford Foundation was the major angel of the St. Louis study, which was conducted jointly by Washington and St. Louis Universities, under the immediate direction of Professors Thomas H. Eliot and Paul Steinbicker. The full-time staff of the survey was directed by John C. Bollens. The contributors to the present volume are noted above.

Discussion of the governmental setting in the St. Louis area provides no surprises. This survey went further than some do in providing information on the economic and business background of the area. The "government and politics" portions of this section of the book show a heavy emphasis on governmental structure and distribution of services, with some material on the extra-legal political devices—party, pressure, and opinion organs—which supposedly animate the governmental machine. Critics of conventional metropolitan surveys, who have been numerous and vocal (often unnecessarily so) have been insistent in their clamor for going back of the formal machine. The St. Louis study meets these demands, but, I think, not completely. Perhaps it is most productive in its examination of participation and attitudes. In Part I the following quotation, in view of the emerging dogma of some critics, seems to me especially significant:

> Attempts at structural reorganization in a metropolitan community are frequently met with the argument that government must be kept close to the people. Those who advance this position maintain that small units of government stimulate the interest of the people and provide them with the opportunity to participate actively in the affairs of their local community.
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> If it is true that small governments foster a high degree of political action, widespread grass-roots opposition might be expected to any movement designed to lessen local autonomy. The viability of this principle, in other words, would act as a severe check on governmental coördination and make more difficult the functioning of a metropolitan area. Several studies made by the Survey, however, raise serious doubts about the validity of the belief that small political units constitute the best means of keeping government in the control of the people. In fact, these studies indicate that the "small government" argument is in many respects a myth. [Pp. 86, 87.]

The reform proposals which came out of the survey were, on the whole, fairly conventional. This is no surprise and no criticism. The structural options available for local government are limited in number. The Survey decided to recommend the creation of a multipurpose metropolitan district. In effect this is the federal plan which has become a sort of rainbow shining through the rain of "metro" reports. With the example of some federations and many proposals (a recent report on rearranging the London federation follows this same line) before my eyes, I cannot summon much conviction of the viability of the federal approach in local affairs. It does have the merit of acceptability, for it seems to preserve local institutions (and this acceptability was acknowledged to be a strong persuader for the St. Louis Survey), but it seems to me to be an illusion. If an effective centralization develops, significant functions cannot be left to component units and I cannot see how the normal citizen can be heavily involved in insignificant functions. If we really think that political participation is closely connected with size (which seems to be doubtful or, at least, not proven) then we ought to live in villages. We can see the St. Louis Survey itself involved in the transfer of important matters to the central agency in the proposed federation at the point of planning and zoning—a fundamental point. If you are to have coordination, the really significant choices can't be decentralized. What remains is pap.

The attempt of the Survey to preserve local autonomy while still upgrading performance became, in my judgment, most strained when a scheme was created to establish minimum service levels which would be enforced by such means as tax rebates. This all seems to me excessively complicated. Establishing a minimum standard would be a difficult matter. The whole scheme would provide a happy hunting ground for the manipulator and the pressure group. And to what end? We already have enough of this sort of thing in federal-state and state-local arrangements.

Part Three of the volume is entitled Citizen Participation and Attitudes. Appendix C describes the methodology of the sample survey employed to secure data used in the report. This appendix should be very useful to students, as is indeed true of other appendices. I am in no position to quarrel with the findings of the Survey on citizen activities and attitudes. In seeking this material the Survey is in line with the practices recommended by students of metropolitan problems. I cannot entirely suppress doubts in my own mind whether the findings justify the expenditures required to secure them. For example, the report notes that "awareness of metropolitan problems should increase with social rank, and it does." Does this contribute significantly to our existing knowledge? Does it help in formulating recommendations? It is true, certainly, that general knowlege would not permit us to predict all the conclusions which the Survey reached. For example, "Older persons are more likely to prefer merger in both areas, but particularly in the County; younger persons are more likely to prefer *status quo* only in the City." Are such generalities really useful? Can they have any effect on the action program? If not, can they serve the purpose of contributing to a general knowlege of voting behavior? I suppose we have no certain answer to this question. The Survey faced the same problems as many other voting surveys. We can all hope that careful study of and long familiarity with material of this type may permit scholars to reach some general conclusions, but anxiety on this score persists.

Part Four is devoted to Measurement and Economic Studies. Again, the methodology of the Survey is detailed in a way which should be useful to students. Generally I believe the findings will not be surprising to persons familiar with municipal affairs, but the Survey performs a service in pinning certain matters down. No major economies are visible as the result of scale of operation, which will give aid and comfort to the anti-efficiency theorists. (Many metropolitan reformers are, of course, not troubled by this, but wish to shift the burden of costs.) That wealthy areas can and do spend more and that "the expenditures of some communities are low because they cannot afford more" is surely to be expected. Perhaps the real question is the ethical one: what should be done about the community that can't afford more?

The Survey wrestled with the very elusive problem of measuring local services. Standards in this field are likely to be highly subjective, but not much fault can be found, I think, with the Survey's approach and again some useful, although not unusual, conclusions were reached.

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Graduate Education in the United States. BY BERNARD BERELSON. (New York: McGraw-Hill Book Company, 1960. Pp. vi, 346. $6.95.)

Berelson's study (one of the Carnegie Series in American Education) is as thorough and systematic a general study of graduate education in the United States as has yet appeared.

The book is divided into three parts and a comprehensive appendix. Part One deals with the historical background of graduate education in the United States. Part Two deals with the present and is subdivided into chapters dealing with the purposes of graduate education, with institutions, students and programs. Part Three consists of conclusions, commentary and recommendations.

The Appendix includes a classified bibliography and data descriptive of the methods used in the study. Among these data are descriptions of the actual studies undertaken, samples of questionnaires, responses to criticisms and reforms of graduate education and a list of consultants from the various academic and professional disciplines. The author has thus provided the reader with some basis for testing the validity of the observations and conclusions.

The author has also been careful to discriminate between the reporting and analysis of evidence and his own recommendations. His study gains much in significance and value because he has placed his findings into context. For example, he identifies various factors in the history of American higher learning that give rise to a pervasive mood of dissatisfaction with the state of graduate education. Among these factors are social attitudes and institutional traditions that, while not elements in the substantive quality of graduate education, nevertheless influence that substance and quality.

Criticisms of graduate education are therefore not always to be taken at face value. Berelson detects attitudes of perfectionism, frustration and dissatisfaction with disciplinary focus as factors influencing adverse evaluations of graduate education. It would not advance our understanding of the present state of graduate education merely to know the evaluations of it in the academic community and throughout society generally. One needs also to know, as best he can, what these evaluations actually mean. As a case in point, Berelson's findings with respect to political science offer grounds for some interesting speculations concerning the attitudes and expectations of those professing the discipline called political science.

To the political scientist dissatisfied with the state of his discipline Berelson's study offers evidence that he is not alone in his concern. Of graduate faculty members and recent recipients of Ph.D.'s in eighteen academic and professional fields, Berelson found that the proportion of political scientists describing the state of their discipline as "very satisfactory" was substantially the lowest. Only six percent of graduate faculties in political science and thirteen percent of recent Ph.D.'s considered the state of political science as "very satisfactory." In contrast the proportions in physics were sixty-four percent among graduate faculties and fifty-eight percent among recent Ph.D.'s. Among the social sciences, political science stood conspicuously below the related disciplines of sociology, history and economics.

As might be expected, the proportion of graduate faculty in political science dissatisfied with the state of graduate teaching was conversely high. In contrast to the physical sciences, dissatisfaction with graduate education was high among all social sciences, but only in economics (fifty percent) was the reported dissatisfaction greater than in political science (forty-eight percent). Berelson's concern being with graduate education generally, he did not undertake to analyze in detail the reasons for the sharp contrasts in satisfaction among the several academic and professional disciplines. Nevertheless his study contains some observations regarding the condition of the social sciences, and political science may present an exaggerated illustration of difficulties affecting the social sciences generally.

Before considering the relevance of Berelson's findings to political science, one other possibly significant piece of evidence regarding the state of political science emerges from his study. Among twenty-two academic and professional disciplines surveyed, the longest doctoral dissertations were in political science (median length 357 pages) contrasted with the "number disciplines" of mathematics, bacteriology and physics (71, 88 and 96 pages respectively). In comparison with other "word disciplines" the contrast is much less great, but nevertheless distinct. For example:

	Range		Middle Half of Cases Fall Between
	Low	High	
Sociology	61	989	178–352
Economics	60	811	197–339
Political Science	147	863	268–443

It may of course be argued that human behavior in politics is more complex than in other aspects of life, that documentation of dissertations in political science is unavoidably encumbered by a greater variety of data than in other disciplines, that political scientists tend to include a more complete presentation of background data than other disciplines. None of these arguments is thoroughly convincing either as to what is or what should be. A comparative study of Ph.D. dissertations in political science would be needed to provide an adequate explanation of their length. One plausible hypothesis, however, is that inadequate sharpness of focus in the study of politics has induced wordiness. It is difficult to be concise in matters about which one cannot be precise.

Berelson's study suggests that something is amiss with the discipline called "political science." Examination of Charles Hyneman's *The Study of Politics* (notably chapters I, VII, and VIII) suggests a probable basis of dissatisfaction in the lack of clarity and direction of effort in the field. On the evidence of Berelson's study political scientists appear to be less satisfied with graduate education and with the state of their discipline than almost any other academic group. Berelson's belief is that dislike of the "present character of their field" is the root of dissatisfaction. If this is so, it impairs among political scientists the things that Berelson says that American academic life needs most, " . . . a sense of pride, of *esprit de corps*, of profession in the best sense."

There may be no simple explanation of the failure of political science to achieve a focus and integrity as adequate as its effectiveness and reputation as a discipline would seem to require. Dissatisfaction with the field of study is not conclusive evidence that the field is not yielding results—is not creative. Political scientists have taken the lead in developing several important areas of study that because of the special (one might say increasingly peculiar) conditions of American society had not found a home elsewhere in the university. Public law and public administration are two of these areas that have an obvious relevance to the study of politics, but have ties of equal or perhaps greater significance to other disciplines. The same may be said for certain aspects of international affairs.

Is it because political science as a discipline attracts a disproportionately large number of vicarious politicians with empire building proclivities that it blurs its focus and fragments its purpose through a jealous retention of so-called "fields" that might more profitably be organized as separate disciplines or as interdisciplinary programs? Perhaps what the discipline of political science now needs most is a psychological study of political scientists. Perhaps here might be found the basic reason for the dissatisfactions reported by Bernard Berelson and the slowness in achieving clarity and direction of purpose as noted by Charles Hyneman.

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BOOK NOTES AND BIBLIOGRAPHY

POLITICAL THEORY, HISTORY OF POLITICAL THOUGHT, AND METHODOLOGY

The Predicament of Democratic Man. By EDMOND CAHN. (New York: The Macmillan Co., 1961. Pp. 164. $3.95.)

Professor Cahn's new book investigates the moral implications of democracy. His central problem, examined with the keen sensitivity that characterized *The Sense of Injustice* and *The Moral Decision*, is whether it is possible to live in a democracy without becoming tainted by the wrongs and misdeeds of the government.

A feeling of moral guilt by citizens, for injustices perpetrated by governmental officials, is not prompted by the internal organization of despotic states. It becomes crucial, however, in systems of free government which rest authority upon consent; for then the citizens, as participants in making public decisions, are ultimately responsible for what the government does. Because control over the state is lodged in their hands, the state becomes their agent and they consequently share in its misdeeds. This moral involvement of the populace in the injustices of government constitutes for Professor Cahn the predicament of democratic man.

In wrestling with this question, Professor Cahn shuns abstract theories of automatic and universal guilt. Collectively, the populace's obligation is threefold: to prevent the occurrence of injustice, particularly those types of social injury (such as racial discrimination) which are beyond the reach of later recompense; to provide reparation for political injuries which do occur; and to protest continually against injustice, wherever it may be found.

In assessing individual responsibilities for governmental wrongdoing, Professor Cahn asks each person to determine for himself whether he is guilty or innocent of inciting an official to commit a wrong, authorizing it, helping to install a dangerous public instrument, remaining passive when the injury might have been prevented, ratifying and knowingly accepting its fruits, suppressing the truth about it, and contributing to the vulnerability of the victim. Withdrawal from civic life, the author emphasizes, is no escape from this moral confrontation.

Following this negative approach to the problem, the book then discusses what positively may be done to assure self-fulfillment and diminish the incidence of injustice. Democracy, Professor Cahn asserts, both demands and encourages equality in the political order and quality on the part of citizens and public officials. These are the moral incentives which contribute to the better life.

Equality has two manifestations. Its "passive" aspect calls for the preservation of a minimum status for all people. Its "active" expression requires opportunities for personal advancement, with no regard in particular for a person's race or nationality. Quality on the part of the citizen necessitates good judgment, courage to dissent, and a willingness to cooperate. On the part of public officials, it requires justice.

Professor Cahn's elaboration is obviously one which makes high ideals normative for politics. But his approach is neither utopian nor sentimental. Throughout, the argument is based upon a realistic assessment of man's limits which emphasizes the inadequate grip of all men upon both truth and righteousness.

What makes protest necessary is the fallibility of those who exercise political power. They err. Their special interests give them an "official" perspective which differs from the "consumer" perspective of the citizens upon whom government impinges. The democratic temper, therefore, must be marked by "a sort of briny irreverence towards officials." Even majorities in a democracy deserve no exemption from this skepticism; for they too are not always right, and the democratic freedom to dissent is therefore a corrective necessity.

Human fallibility means that men ought to continually reconsider their political and social conclusions. Most beliefs, upon which political man acts, are non-verified; and the more free they are from corroboration, the less they should form the grounds for political coercion. In the legal sphere, man's fallibility thus warns us to avoid harsh accusations and strict penalties (such as capital punishment) which are beyond later correction.

Above all, a recognition of man's ignorance and the partiality of his virtues calls for political "modesty." A person must never be "moved to infer that he is categorically right in his choices and they [other people] are wrong." Justice soon flees whenever humanity is thus viewed as divided between the morally pure, on the one hand, and the contaminated on the other. Political solutions based upon compromise are far preferable.

What emerges in this book is thus a defense of democracy grounded upon an awareness of both man's capacities for justice and the obstacles which his moral limits pose to the attainment of that high end. As such, the work contributes significantly to our understanding of democratic man and the essential foundations upon which the democratic order stands.—DONALD K. MCKEE, *Upsala College.*

Tradition, Values, and Socio-Economic Development. EDITED BY RALPH BRAIBANTI AND JOSEPH J. SPENGLER. (Durham: Duke University Press and London: Cambridge University Press, 1961. Pp. viii, 305. $6.00.)

This volume, the subject matter of which is "the effect of tradition and values in socio-economic development," contains contributions by Wilbert E. Moore (Princeton), Bert F. Hoselitz (Chicago), Melville J. Herskovits (Northwestern), Ishtiaq Husain Qureshi (Pakistan), John D. Montgomery (Boston U.), Mason Wade (Rochester), and the distinguished editors, Ralph Braibanti and Joseph J. Spengler (Duke). Each addresses himself to several aspects of this topic, though the essays conform to no standard format. In many respects they complement one another and overlap without very much repetition. Taken together the papers explore an array of concepts, define a range of problems, and outline some issues that, though unevenly developed, suggest some thought-provoking confrontations of an intellectual and practical nature in this complex area.

Frequently in a work of this type the editors expound a central concern, but the authors, however much they share it and strive to deal with it, tend to go off on their professional tangents. In this instance, they stick to their assignment more faithfully than usually happens, thus enhancing advantages and rewards accruing to the reader. While addressing themselves to the multi-dimensional processes of change, the contributors venture well beyond, into the examination of such items as ideologies, traditions, theory, and cultural dynamics, to mention only a few. It is not for sheer originality of conceptualizations that one will take up this collection—most of the authors have published their views elsewhere—but for the complex relationships indicated and refinements worked out.

Though the volume is organized by chapters, the contributions of Professors Spengler, Moore, Hoselitz, and Herskovits contain enough in common to form a distinct section by themselves. No one thread runs consistently through all of them, but in their own ways these authors have much to say about what has come to be designated strategic access in the developmental process. Their expositions illuminate strategic access into minds, social structures, cultures, and economies where change is being deliberately promoted and where there is direction or administration for this purpose. Such facets as the points of penetration, timing, internal and external sources of support, retardation and advancement factors, multiplier and ripple effects, and forces that influence the patterning of the evolving or transplanted institutions are brought under discussion from different vantage points. There are some inevitable gaps that are by no means the fault of the authors but reflect the degree of non-contiguity of the several social sciences. Where the respective approaches are based on academic disciplines, there is a slight distortion of emphasis which the chapters as a whole tend to correct.

It is Professor Spengler who explicitly deals with "the content of men's minds . . . as the potentially dynamic element, as the source whence issue change and novelty, in a world or universe that is otherwise essentially passive." He postulates that both rate and direction of development for a society "depends largely upon what is in the minds of its members, and above all upon the content of the minds of its elites. . . . " Employing optimal activity and rational selection of alternatives as operational criteria for development, he prefers the value-orientation of scientific objectivity to that of ideology on the ground that the former means flexibility (with opportunities for the private sector) and the latter rigidity (which he identifies with the predominance of the state in economic life). How his treatment of ideology squares with the Mannheimian distinctions is one question of some theoretical importance, but how valid is his operational credo, in light of the strictures in Professor Herskovits' chapter on culture, is a more serious issue.

Institutions or social structures constitute the activational universe for Professor Moore as does culture for Professor Herskovits. In the former, mobility has a function comparable to that of cultural dynamics in the latter. Here is where a synthesis or fusion is called for, some analytic turn that allows these processes to be treated as continuous or at least on the same plane of action, perhaps with emphasis on the first as the more general (here I deliberately avoid the words "universal" or "empirical") and on the second as particularistic, or *vice versa.* However, this is far too simple, and both are entitled to demur.

Professor Hoselitz, by his discriminating insights into the various types of tradition, meets an obvious need with skill. It is his conclusion that "economic development and tradition are not aspects of social action which are necessarily antagonistic." His use of tradition provides a workable referent that crosses discipline boundaries.

In his essay, Professor Braibanti offers some observations on "The Relevance of Political Science to the Study of Underdeveloped Areas." He notes, as has Professor Apter in another study, that no subdiscipline of political development or growth has yet evolved within the field of political science, though he credits comparative government and public administration with "substantial progress" in this regard. It is his position that a quite respectable subdiscipline might emerge from serious consideration of six principal issues in political development, namely, the character of exogenous ideas and structure, process of transmission, facilitation and impedance of internal factors, prediction of ideological and structural variants, adequacy of variants to satisfy the expectations of modern constitutional government, and verification of hypotheses of a political process and emergence of laws of politics.

Some years ago a reviewer for this journal wrote to the effect that the book under consideration was of less interest to the student of political science than to the student of social institutions. How many political scientists today can accept the explicit differentiation or the implicit injunction contained in the observation? Surely Professor Braibanti is not likely to enter among them. It can be contended that the trend to subsume under political science what is called cross-cultural or transnational institution-building, especially in the context of development, has already enriched the pool of political data and increased awareness of institutional variability in politics, but is political science as a discipline better off as a consequence?

Professor Braibanti elaborates his case for this new departure for political science in a highly convincing manner. However, by doing so, he raises a critical problem of a practical nature. There is still a grave need—perhaps it is now greater than ever—for political science to carry out its primary task, to put it simply, to increase and deepen understanding of how communities govern themselves or are ruled and what, for the community are the political consequences of the constitution it lives by, laws it enacts, and policies it supports. Here is the area where the strength of political science lies, in which it is best equipped to probe and explain. Here is where it has a foundation on which to grow and where it can stir peoples to pose to themselves questions about the nature of the political environments they inhabit in the nuclear and space age. How political institutions are selected for export, transferred, and implanted are not to be downgraded or dismissed as insubstantial matters, but political science, as it has matured, cannot claim to shed bright light on them. Whether it will form interdisciplinary alliances, as Professor Braibanti forecasts, depends largely upon individual inclinations and efforts and incentives from foundations, but the cost to the discipline may be steep if political scientists, as a result, pay less and less attention to the great issues of political life.

It is, therefore, a pleasure to read Dr. Qureshi's double contribution that is befitting a political scientist. Regrettably, lack of space does not permit comments on the separate, distinctive essays prepared by Professors Wade and Montgomery.—JULIAN R. FRIEDMAN, *Maxwell Graduate School, Syracuse University.*

Marxism, an Historical and Critical Study. BY GEORGE LICHTHEIM. (New York: Frederick A. Praeger, Inc., 1961. Pp. 412, $8.50.)

Forty-five years ago the name of Marx was scarcely mentioned, any more than that of Mrs. Eddy, in our major universities. It was possible to be regarded as a fully educated man without having heard of him. Lenin was the name of a disreputable revolutionary who had let down the Allied cause of making the world safe for democracy. Their names did not occur in scholarly examination papers, which were only concerned with the "classics" and revolutionaries of yesteryear. Today the Marx literature, criticisms, comments, and work of glossators achieve the elephantine proportions of the Goethe and Shakespeare literature. Dr. Lichtheim wisely abstains from providing a bibliography, which would run to many pages. He compensates by ample footnote references. He acknowledges his debt to that remarkable man, Franz Borkenau, and calls our attention to such indispensable studies as the *Dialectical Materialism* of Father Gustav Wetter. The little *Karl Marx* which is perhaps the best known work of Professor Sir Isaiah Berlin, oddly enough he does not mention.

Today, then, there is a mountain of secondary writings analyzing, criticizing and proving wrong the thesis of Karl Marx. Still, however, for all these darts the "Red Prussian" stands. Why? He was obviously an unbalanced, if learned, fanatic, sizzling with hate. It seems to make no odds. Every American schoolboy is brought up to revere the principles of Thomas Jefferson (also a revolutionary). Yet, as Dr. Lichtheim writes: "between 1776—when Adam Smith and Thomas Jefferson simultaneously summed up the Eighteenth Century doctrine of society—and 1848, when Marx challenged that doctrine, the 'bourgeois revolution' in the West had run its course." This may give us one clue: How much of our accepted political thought is indeed too archaic and "Eighteenth Century"—too lacking in realism—to put up effective resistance? Dr. Lichtheim offers another clue, in this really remarkably thorough book. His purpose, he states, is "to present an integrated account of Marxist theory since its first formulation"; to trace its development in the "union of theory and practice"; and to note how it was shaped by "the impact of the industrial revolution on European society." This economic and technological impact, taken by Lichtheim in historical rather than metaphysical survey, damages traditional Liberal doctrine, leaves John Stuart Mill a remote figure, and gives body to the Marxist movement. It does so peculiarly in underdeveloped countries, such as Russia itself, where the situation asks for rapid technological development; and it is aided by the tendency to centralizing techniques of bureaucracy in modern society—although this last, in Stalinism, ends in a profound and unsolved crisis for Marxism itself. Indeed, in one sense, Marx, a product of a Liberal age and bearing its stigmata, is not a contemporary Marxist.

The criticism can be made that Dr. Lichtheim here accepts too much—accepts too much of Marxism in his interpretation of Marxism. But the explanation of political behaviour is not solely economic and historical; it is also psychological and recurrent. It is interesting to note that Marx was preoccupied with philosophy before, as a Rhineland editor, for good professional reasons he became concerned with economics and later, in Britain after his French political period, preoccupied with it. At first, like many another, he spent his time defending his doctoral thesis on materialism. What often yet escapes notice is that Marx is the philosophic child of the Liberal early Nineteenth Century in yet another sense. He inherited uncritically the psychology of the French Hedonists, which psychology at a slightly earlier date was also shaping Benthamism, different although its mood was. This hedonism traces lineally from the crude "over-under," dominative psychology of Hobbes; and Marx is a truer, and more uncritical, child of Hobbes than Bentham. So are Lenin and Stalin. It is to Hobbes that fundamental political analyses should look. Not pleasure, but fear, resentment and obsessive need for power take first place. Here is the citadel of Marxist theory. "No man can be neutral."

This is not the place to discuss a new dynamism. Perhaps it will be found in the idealism to shape some new Western regional organization with power. In the alternative, the probability is high that Marxism will dominate the world, partly due to a Puritanism which meets decadence with a steel hand, and partly due to sheer military and diplomatic might. But this will not be the Marxism of Marx—which we can either say with Dr. Lichtheim has "ossified" or we can say will become a Sunday religion. Most of the history of the world is of tyranny confronting cowardice, comfort and anarchy; and the effective Marxism will be that of Moscow and the more intolerable variety of Peking. We may, indeed, (with George Kennan) "seek to understand," and realize that understanding is seldom in terms of ink-black and pure white.

We may come to see that although scientific sociologists may show that Marx' central concept of "class" was unforgiveably vague, yet for the layman it is the immemorial distinction between rich and poor, Dives and Lazarus; that the early Marxists, *frères-ennemis* of Liberalism (especially in the Continental sense) yet shared with it the errors, which still curse our times, of secularist humanism; that Marx himself was an eminent Victorian; and that Marxism, along with Leninism, had the great advantage of being an aristocratic theory.

To this understanding Dr. Lichtheim has contributed in a not unduly long, scholarly, refreshing and highly readable book. His chapter on Engels is critically quite invaluable. Dr. Lichtheim's own view seems to be that of an ardent secularist and primitive Marxist, pre-Trotskyite, who regards the Anglo-Saxon political tradition as today negligible compared with that which derives from the Jacobins and Blanqui, and one to be cheerfully put, along with Thomist rationalism, into the trash-bin. Stalin's deviation makes this offhand disposal more difficult. Perhaps, just as early Marxism was dismissed by academics as disprovable error, so Dr. Lichtheim too readily dismisses contemporary Marxism as "a grotesque distortion," "a travesty." Nevertheless, it is with this Marx-Leninism, not with Marx-Engels, that we have to co-exist; and it is this which bourgeois democracy has to understand and confront.—GEORGE E. G. CATLIN.

The Religious Factor. BY GERHARD LENSKI. (New York: Doubleday & Company, Inc., 1961. Pp. xvi, 381. $5.95.)

It must be accounted as somewhat anomalous that the modern intellectual, especially as social scientist, so often refuses to take seriously the possibility that ideas and beliefs may have practical consequences. A case in point is the fact that the great majority of standard textbooks and original studies in public opinion, parties and such have in effect ignored the factor of religious belief as a possible determinant of political attitudes and behavior. In recent years the sample survey technique has taken this subject a step beyond the offhand paragraph about Al Smith and the 1928 election. But even so the apparent correlations of religious loyalties with political opinion have been interpreted as probably accidents of history, or at most as indicating mere religious reinforcement of the genuine "prime determinants."

Gerhard Lenski's *The Religious Factor* stakes out a bold claim for religion as one of the more potent independent, causal variables operative in not only political but also economic and family life. On the whole, the claim is rigorously justified in the findings of this unusually careful, wide-ranging and clearly written study in empirical sociology.

The data for the study come primarily from sample survey interviews with 656 representative Detroit residents, conducted as the 1958 project of the Detroit Area Study, a facility of the University of Michigan. Professor Lenski, a sociologist, checks and supplements these materials by data from interviews with the clergymen of a sample of the churches attended by his original respondents, and from surveys by the D.A.S. in several earlier years.

The four socio-religious groups studied are white Protestants, Catholics, Jews and Negro Protestants. A number of the 185 questions on the interview schedule are aimed at uncovering the types and degrees of religious commitment within these groups. Involvement in the religious association (the church) is treated separately from involvement in the accompanying, larger religious subcommunity, and two religious "orientations" (doctrinal orthodoxy and devotionalism) within each group are distinguished and studied. As one result, very considerable light is thrown on the present vitality and cohesiveness of the groups, intergroup images, the theological and social beliefs of the clergy, and on the impact of social change on the groups—including evidence relevant to the Herberg thesis.

But the central hypothesis is that these differences in religious belief and commitment really *cause* differences in the attitudes and behavior of people in their daily lives—in secular activities such as politics, economics, family life and education. Here Lenski is deliberately building upon Durkheim and Weber, particularly the latter's thesis about the relationship of Protestant values to the emergence of capitalism. Lenski finds that, while certain of the specific elements in the "Protestant ethic" seem to have disappeared, there is in this contemporary survey of an American metropolis striking support for the basic proposition that each major religion develops its own distinctive orientation toward a wide range of secular activities, and exercises significant influence in shaping the behavior of its adherents with relation to secular institutions. He concludes that "socio-religious group membership is a variable comparable in importance to class, both with respect to its potency and with respect to the range, or extent, of its influence." This finding rests not only on painstaking research design, exacting methodology, and strong correlations; Lenski has also applied to his causal hypothesis every feasible test of controlled data, temporal sequence, intragroup comparison of activist and marginal members, and the check of other relevant research.

Lenski's substantive results are of course too numerous and complex to summarize; but a few examples may suggest their character. On most of the items identifiable with the "spirit of capitalism"—a positive attitude toward work, identification with businessmen, entrepreneurial spirit, importance of saving, etc.—Protestants (especially white Protestants and church activists) and Jews rank considerably higher than Catholics. Catholics enjoy stronger family solidarity than Protestants, have a more rapidly increasing birth rate, and emphasize personal autonomy much less in the rearing of their children. White Protestants are much more likely to vote Republican than Catholics, even when father's party preference and class position of both respondent and father are held constant. Church activists (both Protestant and Catholic) are substantially more likely than others to favor government by law rather than by men. Of all the groups, middle class white Protestants are clearly most likely to oppose the welfare state and to support freedom of speech.

Readers may of course quarrel with Lenski about the framing of some of his questions and the nuances of interpretation of the responses. For example, in his questions regarding theological orientation, his "orthodoxy" category makes no room for the crucial distinction between "neo-orthodoxy" and "fundamentalism." More seriously, he sometimes presses his concern for white Protestant-Catholic differences to somewhat debatable conclusions, and to the relative neglect of striking data about the Jewish and Negro positions.

Minor complaints aside, Lenski's work will surely stand as a sound and pioneering venture in the sociology of religion and society. It clears many channels of potential traffic between theoretical formulations and hard data in the study of the religious factor. It is to be hoped that the grip of positivism is loosening enough to permit an increasing number of political scientists to take up the argument on both the theoretical and data-gathering sides. There are multiple ironies in a situation which requires behavioral science to recall attention to the reality of religion.—HARRY R. DAVIS, *Beloit College*.

H. G. Wells and the World State. BY W. WARREN WAGAR. (New Haven: Yale University Press, 1961. Pp. 301. $6.00.)

H. G. Wells was a man who found it easy to speak for himself. In some hundred and ten books and several hundred articles, published over a span of more than 50 years, he tirelessly gave the millions his opinions on all subjects. Now comes W. Warren Wagar to speak for him. The question is, what is worth saying?

Of the many messages of H. G. Wells, Wagar has chosen to present the one which, presumably, has the greatest bearing on our condition. He writes of Wells the diagnostician of the modern sickness, and of Wells the planner and propagandist of a future world order and world civilization. Wagar does in his one book what Wells never had the time for in his hundred: he relays the message clearly and in good order. He also presents it fully, and that is the virtue of this book. It is all here—that whole vast jumble of an evolutionist metaphysics, a biologistic ethics, and a technocratic politics which was the mind of H. G. Wells. The reader who wants a good presentation of Wells' ideas on the world state will find it in Wagar's book.

But the question remains: was it worth saying? Wells had no sense of the political. He was not an original thinker: much of his work, as Ezra Pound said, was "chewed up newspaper." Nor was he a distinguished thinker. He lacked discrimination and he gave little care to style. He seemed as comfortable with the outlandish as with the hackneyed; and he could on one page offer a snappy criticism of Victorian sexual customs and a grandiose vision of the coming world order. What does it all come out to?

Wagar does not address that question. His work is primarily descriptive. He does not attempt a sustained critique of Wells' ideas on the present disorder and the coming order, although it is clear that he thinks they have great merit, which men may soon come to realize. Indeed, one can get the impression that Wagar sees himself in the vanguard of a rising army of Wellsians: "The wheels are turning. . . . The heyday of the symbol-mongers and the literary technicians cannot last much longer; it is time again for Wells."

When Wagar does turn to analysis it is analysis of a curious kind. He addresses the question, how successful was Wells as a "prophet"? And by success he means influence over the opinions of other men. Wagar justifies this approach to the task of criticism by describing himself as an intellectual historian. In this view, an intellectual historian is one who is concerned only with the question of who thought what, and not with the quality of what was thought. That definition does not fit the vocation of any of the great intellectual historians.

Wagar's analysis of Wells' success reaches two conclusions. Wells was a failure in that he lost his audience; and he lost his audience because he made the foolish error of speaking to masses instead of directing his appeal "to the elite groups who would, ultimately, have to manage a Wellsian world revolution." Wells was a success in that he did stimulate many men to think, and in that many of his ideas are commonplace today. Furthermore, Wagar suspects that Wells will soon be awarded the high place which is rightly his: "in another generation or two . . . when the anguished disillusionment of mid-century men has ripened into sober resolution, H. G. Wells will be acknowledged as a crucial intermediary between the intellectual inheritance of the West and the coming world civilization."

To this, I must make that most presumptuous of all replies: perhaps . . . .

Wells was not an intermediary. He discarded the whole past as outmoded, leaving only the future. When a man calls us to the future we must examine most earnestly his vision of that future. Wagar persists in calling Wells a prophet, but he never asks the questions which really matter in the discussion of prophets. Perhaps Wells failed because he was not a prophet but merely a magician, or a propagandist. Or perhaps he was a false prophet. Perhaps men have found reason to suspect that the god for whom Wells spoke, the god of the machine, is a Janus-faced god at best, and an empty idol at the worst.

The "miracles of science," we say; and Wells was one of the men who taught us to say it. He was one of the publicists who led men to believe that those miracles were their own justification, and that the power that worked them had the right to our worship. We have come to doubt that. When a rocket goes up from Cape Canaveral we no longer believe in our hearts that it rises up to the heavens. It blasts off into empty space, and it may one day return to destroy. And for all of Wells' astounding images of the coming world technocracy, we have come to fear that there may be no room in that huge order for mere men.

Wells lost his faith at the end, and announced man's doom. And since the blockheads would not listen, they deserved not only their destruction, but the teacher's curse as well. According to Sir Ernest Barker, Wells wanted his epitaph to read: "God damn you all: I told you so." Perhaps in another generation or two, "when the anguished disillusionment of mid-century men has ripened into sober resolution," that curse will be thrown back upon Wells as the prophet of a false god.

Perhaps these matters have something to do with the failure of Wells the prophet. They are surely the matters that any reader of Wells must ponder today. They are not pondered in this book.—JOHN H. SCHAAR, *University of California* (Berkeley).

The Political Context of Sociology. BY LEON

BRAMSON. (Princeton: Princeton University Press, 1961. Pp. v, 164. $4.00.)

Perhaps a more apt title for this methodological essay would be *The Ideological Context of Sociology*. It is nonetheless relevant to students of politics. Mr. Bramson's purpose is to indicate how some theory in sociology, ostensibly derived empirically, originates instead in the culture-bound beliefs and personal values of the theorists. The author, in supporting his thesis, offers us a useful bit of intellectual history that searches out the cultural and philosophical bases of a modern scholarly discipline. The body of social theory he uses as illustration is the conception of "mass" behavior and "mass society" of European and American sociologists and social psychologists. That sociology itself is culturally relative is convincingly demonstrated in the comparison of European and American varieties. For the European sociologist, there is *the* social problem of class conflict, while for the American there are many social problems—crime, divorce, minority problems, poverty—which exemplify a society that has achieved a basic consensus but is wrestling with side effects of urbanism and industrialization. Similarly the idea of "mass" is laden with a variety of cultural and philosophical meanings; and conclusions about the nature of mass society often are conclusions by sociologists, or ideologists, of the left or right, European or American.

The science of today's presumably value-free empiricists is permeated no less by the writers' conceptual systems than was the work of the more obvious ideologists in early American sociology. As modern evidence for his thesis Mr. Bramson finds that the social and political philosophies of contemporary mass theorists (Adorno, et al., Reich, Fromm, Marcuse) unconsciously became mixed with their work leaving the validity of their results uncertain. These scholars' descriptions of the relationship between so-called mass behavior and the growth of totalitarianism, Mr. Bramson believes (echoing many others before him), have been tainted by their own experiences with Hitlerism and by their attachment to a liberal socialism to the point where they fit their evidence into their own belief and value frameworks. What is unacceptable, we are told (in another chapter that can be added to a growing list on the subject), is the carelessness of social scientists who disguise value judgments as facts. The author's own resolution of the old fact-value problem (which he rightly describes as probably no solution at all) is a compromise of the natural law and the positivist positions. The values and the total cultural experience of the observer inevitably color his perceptions at every stage of his research; but this simply requires more strenuous efforts at impartiality by the researcher, more emphasis on the testing of his formulations by others, and a continuing search for "intersubjectively verifiable criteria for checking his generalizations." It is at this point that some ambiguity in the author's purpose becomes troublesome. His "solution" clearly offers nothing more than is found in traditional scientific procedure. But if the history of modern sociology tells us that an attachment to this procedure has not been sufficient to keep subjectivity, individual or cultural, from distorting the results of investigation, it is hard to see how a reaffirmation of these ancient rules can solve the problem. How does an observer achieve impartiality if all his perceptions are the partial ones of his culture and how, in these circumstances, can "intersubjectively verifiable" criteria of validation be discovered? If, instead, Mr. Bramson's criticism is of social scientists who select and interpret evidence so that it will bear out their conceptions about the way things are or ought to be, then we simply are privy to an unexceptionable criticism of bad research—and another exhortation to social scientists to be careful certainly can do no harm.

That the social scientist's conceptual framework, wherever derived, affects his perceptions certainly is true. That some social scientists use their social-political values to guide their selection of data and the conclusions they draw from them undoubtedly can be shown. But the second does not necessarily follow from the first. For the social scientist seeking support for his values there is no real remedy other than exposure. For the social scientist who mistakes the part of the world that he has seen for the totality, the remedy is to look outside. A general causal analysis clearly is faulty if it is derived from the observer's own limited experience or from his own value preferences. But such analyses are outside of social science. In such cases the solution is not *more* science, but *just* science.

The reader may have difficulty following all of the author's argument to his conclusions, but his scholarly review of the philosophical bases of one social science clearly has relevance to others and earns for the book a place in a sparse literature on the subject.—SEYMOUR SCHER, *University of Rochester*.

The Russian Revolution. BY NICOLAS BERDYAEV. (Ann Arbor: The University of Michigan Press, 1961, pp. 91. $1.75.)

Terrorism and Communism. BY LEON TROTSKY. (Ann Arbor: The University of Michigan Press, 1961, pp. 193. $1.95.)

The Russian Revolution and *Leninism or Marxism?* By Rosa Luxemburg. (Ann Arbor: The University of Michigan Press, 1961, pp. 109. $1.65.)

These are the first three in a new series of "Ann Arbor Paperbacks for the Study of Communism and Marxism." Sidney Hook's *From Hegel To Marx*, Franz Borkenau, *World Communism*, and Karl Kautsky's *The Dictatorship of the Proletariat* are expected to be published in 1962 and other works will follow.

In the period of the final disintegration of Marxism, it is fascinating to recall the diversity of ideas encompassed by it in the early part of this century. We owe a debt of gratitude to the publishers of this imaginatively planned series for making available such writings, for long most difficult to obtain, as Rosa Luxemburg's biting attacks of 1904 on Lenin's "ultra-centralism" and her friendly but highly critical appraisal in 1918 of the Russian Revolution, Karl Kautsky's vigorous assault of the same year on the anti-democratic character of the Bolshevik revolution and Leon Trotsky's spirited counter-attack of 1919 on Kautsky in defense of terrorism. Such works are essential for an understanding of the Marxian tradition and the ideological background of modern Communism.—John H. Kautsky, *Washington University* (St. Louis).

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AMERICAN GOVERNMENT AND POLITICS

Justice Frankfurter and Civil Liberties. By Clyde E. Jacobs. (Berkeley and Los Angeles: University of California Press, 1961. Pp. viii, 265. $5.00.)

The constitutional issues of paramount importance confronting the Supreme Court of our times are those arising under the guarantees of individual rights against oppressive acts of government. The search for the well-springs of the philosophical, intellectual and emotional forces which shape the thinking of individual members of the Court and cause them ofttimes to take sharply opposed positions on issues of this kind presents a continuing challenge to legal scholars. Inquiries of this kind lead inevitably to an examination of the constitutional jurisprudence of the two justices who currently represent a polarization of viewpoints on such issues on the present Court, Justices Felix Frankfurter and Hugo Black. The work here dealt with is a worthy addition to a rapidly growing body of scholarly research of this kind.

Professor Jacobs' approach to his task is direct and logical. An introductory chapter entitled "Libertarian Activist," reviews briefly the pre-Court career of Frankfurter as a champion of what were then deemed liberal causes. It may come as a surprise to some of his recent critics to learn, for example, that he was one of the founders of the American Civil Liberties Union. The next seven chapters are devoted to a systematic analysis, in depth, of Justice Frankfurter's opinions—majority, concurring and dissenting—in cases involving civil liberties issues. Race discrimination cases arising under the equal protection clause are not covered, however, since the Court has been able to speak on such issues with relatively little disagreement among its members. A concluding chapter is given over to a general summary of Frankfurter's conception of the role of the Court in the area of civil liberties. There is a complete documentation of sources, along with a useful index and table of cases; but the devotee of the mathematically-oriented approach to the study of judicial behavior will be disappointed—as the non-mathematically inclined will no doubt be relieved—to note there are no scalograms, scattergrams, Guttman scales, indices of cohesion, etc., to over-simplify the subject matter and to mystify and impress the uninitiated.

There emerges a kind of profile of Justice Frankfurter in this area of constitutional interpretation against a background supplied by the views of his colleagues. To some extent, this profile necessarily takes on a Frankfurter *vs.* Black character; but this is by no means the general theme. The author's viewpoint is that of a detached, objective analyst rather than that of champion and advocate; but his analysis is characterized by a sympathetic understanding and appreciation of Justice Frankfurter's views on civil liberties issues. There is much in this volume that is not fresh and new to anyone who has followed the course of constitutional construction by the Court fairly closely in recent years. What the author does beyond this is to present Frankfurter as a Supreme Court justice with a generally consistent concept of the function of the Court in dealing with the complex issues presented in civil liberties cases, as a judge who is able to subordinate his own personal views on the merits of the public policy issues involved to his higher responsibility to the law and its orderly development.

Frankfurter's approach is that of the pragmatic-empiricist rather than that of the idealist. This is perhaps best illustrated in his rejection of the simplistic formulas of Justices Black and Douglas in favor of a more complex system of evaluation of relevant factors in freedom of speech cases. In general, it is his view that there are a variety of constitutionally valid ends and principles that must be recognized and, if possible, harmonized in a rational way in civil liberties cases. Along with the individual's claims to a constitutionally guaranteed immunity there must be taken into account such equally valid considerations as those arising out of the principles of separation of powers, federalism, and respect for continuity in the evolution of the law and for the judgments on social values made by the politically responsible agencies of government. Frankfurter's is a relatively modest view of the capacity of the Court to save the people from their own follies under a democratic scheme of government. Its duty is to dispense justice *under the law*, not to dispense justice as the individual members of the Court perceive it in the abstract. He recognizes that the role of the individual judge necessarily must be that of a high priest of the law; but he should behave as a priest conscious of his own infirmities, of his human fallibility and of his somewhat clouded claim to apostolic authority.

Justice Frankfurter, according to some of his critics, has "no feel for the dominant issues." He is, in their eyes, a mere "weaver of crochet patterns of legalism on the fringes of the case," a practitioner of "petty skills," a "narrow academician engrossed in the trivia of formal legal propriety." This thoughtful, well-balanced and scholarly analysis of Frankfurter's constitutional jurisprudence in the area of civil liberties is an effective answer to those who would dismiss so lightly his claim to pre-eminence as a craftsman of the law.—JOSEPH E. KALLENBACH, *University of Michigan.*

Presidential Transitions. BY LAURIN L. HENRY. (Washington, D. C.: The Brookings Institution, 1960. Pp. 755. $7.50.)

As Laurin Henry demonstrates in this volume, a presidential "transition" encompasses an elusively indefinite span of time. The formal period of transition, between the election and the president's inauguration, is laden with ambiguities, among them the existence of a president-elect without authority, a party in office that has been repudiated by the electorate, and a civil service partially disengaged from policies which it is still obliged to administer. But, as the author makes clear, this is not the only period of confusion and uncertainty. The actual process of transition begins weeks before the nominating conventions and invariably extends well into the year following the inaugural ceremony. The ample time perspective together with another lesson implicit in the volume (that custom, personality, and circumstance rather than institutional formalities mold the transfer of power) sets the tone of an excellent study. As the author's chronology makes clear, where once the transfer of power could be leisurely, the necessities of a continuing national security emergency give a compelling urgency to preparations for the assumption of power by the incoming administration and constructive cooperation by the weary incumbents.

Four periods of transition are discussed at length. All of them—the Taft-Wilson, Wilson-Harding, Hoover-Roosevelt, and Truman-Eisenhower transitions—occurred in the twentieth century and all were characterized by a change of party control in the White House. The author describes in detail the political environment and the personalities of the important actors in each of these transitional situations. While in each instance many administrators in the lower echelons succeeded in establishing contact to ease the transition, the presidents and presidents-elect were not always as successful. Woodrow Wilson was respectfully uncooperative both in 1912 and 1920. In 1932 and 1952 there seemed to be presidential awareness of the need for contact, but efforts at cooperation at the highest level were marked by muted disrespect. In the latter transitions cooperation was made more difficult by bitterness stirred up in the campaign, a strong element of personal antagonism, and, typically, misapplied self-assuredness on the part of the newly elected leadership.

The administrative disruption inherent in all presidential transitions seems to defy any clear solution. Beyond the desirable goal of continuity and the expectation of reasonable foresight on the part of both presidential candidates as to what they will do "if," there are few specific guidelines. The proposals made in this volume are necessarily vague, largely because a truly effective transition will depend on such unpredictable variables as personality, the residue of partisan rancor, or the flow of international events. Not the least important is the fact that a president-elect can learn to govern only when full presidential power is finally in his hands. For this reason, perhaps the most significant period of transition occurs after the president's inauguration.

Within the range of these uncertainties, the author seems to conclude that the president can initiate measures which will help to train the president-elect, while the president-elect can exercise foresight by appointing a staff early in the campaign which will help him to arrange the mechanics of change. Both of these requirements were anticipated by President-elect Kennedy and President Eisenhower. It is to be hoped that the Brookings Institution will publish an evaluation of this latest presidential transition.

All in all, *Presidential Transitions* is an impressive example of sound administrative history. The documentation is thorough and the author's style is clear and readable. It may be of some interest to those attentive to shifting methodological sands that the author seems to give a slight bow of apology to political "behaviorists" in his preface. He remarks that he did not adopt a more rigorous "formal analysis" because it "might add little real enlightenment and lose much of the color and 'feel' of inherently interesting events." In this instance, certainly, the reason seems sufficient.—RICHARD P. LONGAKER, *University of California* (Los Angeles).

Problems of American Economic Growth. BY BRUCE R. MORRIS. (New York: Oxford University Press, 1961. Pp. viii, 279. $2.50.)

Some of us want growth so that we can "beat the Russians"; others want economic growth to improve the American standard of living. But few in recent years would consider growth unimportant. The economists have responded with increased attention to the problems of growth, although their attention has perhaps been predominantly directed toward the somewhat different situation of achieving growth in underdeveloped economies.

The present book does not pretend to report original research by its author, but to "bring the problems we face to the attention of beginning students and of the adult population." To the clientele for this laudable objective, we may add political scientists. For the problems, it turns out, are as much political as economic.

Defining growth as an increase in the per capita annual output of goods and services, Morris devotes a chapter to each of the major determining factors of the growth rate, emphasizing the obstacles or complexities to be faced. The factors studied are: raw materials; population trends and the supply of workers; capital formation; technological change and entrepreneurship; consumer demand; government expenditure; and foreign trade. Concerning consumer demand, by way of illustration, the author notes the tightrope to be walked between over-consumption at the expense of investment, and over-investment at the cost of insufficient purchasing power to take goods off the market. The economic problem is to find the optimal relationship. The political (or politico-economic) problems include the distribution of income and the pattern of taxation. Will the ethically optimal degree of income equality, or income inequality, also be best for growth? If the two conflict, how is the value conflict to be resolved? Does our political system have the capacity for economic rationality that policies for growth may require? Such questions arise in each chapter, although the author does not make explicit all of the political issues contained in his analysis.

When the author summarizes the "few most vital factors" in achieving growth, however, these turn out to be primarily matters of governmental policy: promotion of education; "solving" the problem of income distribution; "settlement" of the "relative powers of the groups into which we have formed"; "determining" our role in international society; and deciding the place of growth among our national objectives. As the words in quotation suggest, Morris' political analysis tends to be static as well as sketchy; yet he may have served a useful if not fully intended purpose if his list of policy factors awakens political scientists to the vast tasks of power and value analysis imbedded in this area of economics. Growth may be almost universally thought good, but its achievement will test severely American capacity for integrated policy formation, and may create notable conflicts with other revered values: social and economic stability, equity in the distribution of rewards and hardships, and ever-increasing private consumption.

Unfortunately, one's pleasure with the utility of the book as a primer for understanding (by one's self or one's students) is somewhat diminished by certain aspects of its style. To this reviewer, at least, the author seems to be writing down. He is also maddeningly vague at times: *e.g.*, "the device of seniority has merits and defects and must be studied so that it can be fitted into the needs of a growing society.". And some sentences are almost meaningless: *e.g.*, "In the last decade we were quite prosperous except for several recessions." In short, Morris has given us a useful book in a crucially important area of government economic policy, but it could be a better one within its own frame of reference. And, because that frame is economic, political scientists will continue to hope that one or more of their own number will provide a companion primer on the *politics* of economic growth.—MICHAEL D. REAGAN, *Syracuse University*.

Secrecy and Publicity Dilemmas of Democracy. BY FRANCIS E. ROURKE. (Baltimore: The Johns Hopkins Press, 1961. Pp. x, 236. $5.00.)

It is a curious fact that two of the major threats to democracy in the United States are secrecy in government and publicity by government. The former may prevent the public and even Congress from receiving enough information or the kind of information necessary for making rational decisions. The latter may be a device for coercing or punishing private firms or individuals who cannot be successfully prosecuted in the courts. Publicity may also be a means of manipulating public opinion rather than informing it.

Professor Rourke makes clear in his excellent study of these twin evils of government that neither is new in American life. Both, however, have been accentuated by the development of big bureaucracy and the invention of vastly improved means of mass communication.

The problem that has received the most attention over the years has been that of secrecy in the executive branch. President Washington refused to give Congress materials relating to the negotiation of the Jay Treaty. Jefferson declined to provide either Congress or the courts with documents concerning the Burr case on the grounds that some of the materials were merely unevaluated rumors and might therefore be misleading. Most of the strong presidents and some of the lesser ones since Jefferson's time have refused to deliver documents requested by Congress. This action has been accepted, sometimes reluctantly, as essential to the efficient conduct of administration. The effort of the bureaucracy to hide its mistakes and misdeeds from public gaze has, of course, been less well received.

The problem of secrecy has grown more acute in recent years because of the increasing importance of military and foreign affairs. Closely related to these two areas of governmental action has been the inquiry into the loyalty and security of government employees. The executive has consistently refused access to security files to congressional investigating committees.

Congress and the press have been the two major institutions which have sought to break down the policy of secrecy in administration. Both have been aided by that special instrument of the Washington bureaucratic internal welfare—"the leak." In spite of a few celebrated decisions, the courts seem to have played a relatively minor role in limiting government secrecy.

Neither Congress nor the press has consistently pursued a policy of seeking the reduction of executive secrecy. The House Subcommittee on Government Information, for example, found 172 statutes permitting executive agencies to withhold information from the public. Some elements of the press were very vigorous in their demand that Congress enact legislation to counteract the Supreme Court's decision in the *Jencks* case.

While commending the press for its service in breaking down excessive government secrecy, Professor Rourke notes that the press sometimes fails to recognize any right to privacy. James R. Wiggins, Managing Editor of *The Washington Post*, he notes, has even criticized the government for withholding the names of persons killed in plane crashes until after the next of kin have been notified. This zeal for the sensational clearly is unrelated to the fundamental problems of governmental secrecy.

If secrecy has been a traditional device used by the bureaucracy to cover its sins of commission and omission, publicity by government agencies has been an executive instrument equally dangerous to the public good. Publicity and the threat of publicity frequently have been the means used by regulatory agencies to force industries to comply with their desires. Sometimes this threat has been legitimate, but sometimes it has been simply an unjustified instrument of coercion. Professor Rourke cites a number of instances to make this latter point clear.

Special attention is given in the book to those congressional investigating committees which have used public hearings and press conferences to prosecute persons appearing before the committees. The author points out, however, that the problem is more complicated than it appears to those who glibly criticize all investigating committees for "exposure for exposure's sake." He notes that Congress may have to expose in order to get at an understanding of the organizations and activities which are the real objects of its hearings. "It becomes improper only when a legislative committee arrogates to itself a judicial function, and deliberately sets itself up to determine the guilt or innocence of particular individuals."

Professor Rourke finds that government publicity and secrecy in the areas of foreign policy and defense raise particularly difficult questions. The author seems to accept the views of those scientists who have asserted that secrecy is actually a hindrance to American scientific development without protecting national security. He also suggests that "it is not at all certain that a community should not choose, from the point of view of its own value system, to tolerate some measure of insecurity in order to gain access to information it needs in order to exercise influence over decisions of vital public policy."

This review has been able to touch on only a few of the many questions raised by Professor Rourke. Throughout the study he has presented the problems fully. His judgments are thoughtful and moderate. The book is well worth a careful reading by scholars concerned with democratic theory and practice.—HOWARD PENNIMAN, *Georgetown University.*

An Uncertain Tradition: American Secretaries of State in the Twentieth Century. EDITED BY NORMAN A. GRAEBNER. (New York: McGraw-Hill Book Co., 1961. Pp. 341. $6.95.)

Given the dismal state of the world, and a healthy interest in getting out of it alive, people may understandably be attracted to this study of modern American leadership in foreign affairs. One might expect to find in it some retrospective analysis of how we came to our present condition, or some discussion of the types or qualities of leadership in which we might invest more than passing hopes in the years ahead; indeed, the title itself suggests that the study of the diplomatic uncertainties of the past might give us some clues to a more purposive future. But if these are one's hopes or expectations, one is likely to be disappointed, for this passing parade of American statesmanship adds very little to our understanding in any of these respects.

It is hard to come to grips with a collection of essays written by fourteen people, and impossible to do equal justice to each. The authors, mostly historians, labored under a severe space limitation: they seem to have aimed at about twenty pages each. As a result, they have revealed as much about themselves as authors as about their subjects as Secretaries of State. One is tempted to choose his favorites from both lists, but there is little to be gained by so doing: with one or two exceptions, the quality of the individual essays is generally even, reflecting a common approach to the subject. It is this approach that deserves comment here. Structurally, the book contains an historical introduction to our diplomatic status in the year 1898, followed by chapters on fourteen "important" Secretaries from Hay to Dulles. There is no analytical introduction, or conclusion of any kind. The two major defects of the volume, which seriously impair its usefulness to any student of foreign policy or of political science generally, may be summarized as a lack of explicit criteria of judgment and evaluation, and a lack of explicit comparison. These are related, in that it is difficult to make explicit comparisons without explicit criteria of evaluation, but for our present purposes we can look at these separately.

The lack of explicit criteria of evaluation may be translated as the absence of any explicit theoretical structure with respect to foreign policy, the role of the Secretary of State, and diplomacy which would lend meaning and importance to discrete events. As a consequence, the reader moves through fourteen different sets of implicit theories, and confronts an exasperating array of imprecise, undefined judgments; for example: ". . . it would seem that Kellogg's preoccupation with lawyers resulted in his being less well served by his assistants than he might have been. . . ." "For the new Secretary the issue was clear: one day he would be forced to choose between expediency and principle." "Hughes set out to protect the national interest. . . ." These words tell us nothing, because their precise content is part of an unarticulated structure of theories and values.

The absence of explicit theory and explicit criteria is nowhere felt so keenly as in those parts of each essay in which the authors grope with the question that one may be forgiven for regarding as absolutely central to a study of Secretaries of State: viz., what do we mean by a "good" Secretary? What are the qualities—of person, institution, setting, and so forth—that are associated with "superior performance" in the conduct of foreign affairs? Secretary Knox, we are told, "failed because he lacked the depth of knowledge and the stature needed to be a great Secretary of State." After a brief discussion of Stimson's breeding, military service, academic record, law career, and prior record of public service, it is said that, "Thus, on the whole, he had a reasonably good preparation for his Secretarial post. . . . " Hughes' qualifications are said to have laid ' more in his general characteristics of high intelligence, unquestioned integrity, and political availability than in any expert knowledge of international relations." The trouble with such observations and evaluations is that they fail absolutely to do what they seem to do: to distinguish the factors that account for success from those that lead to failure in the job of Secretary of State. How can one get a grasp on the subject when we read that "Skill in the art of politics may or may not be an asset for a State Department head." Or that "What was probably a lifelong habit of caution sometimes stood him in good stead and sometimes stood in the way of needed action?" It is too much to ask, in such short compass, that each author provide his own theories that would clarify and give content to these meaningless generalities; but one would hope that an editor of such a volume would provide a handy set for his authors, or, failing that, would contribute one of his own to integrate the work of his authors. There is some circumstantial evidence in the volume that the editor hoped to use the notion of "national interest" as a unifying theme (it would be too much to call it a theory), but even that term is, mercifully, lost as the authors pay it little beyond lip service.

It is equally incredible that a history of recent American Secretaries of State is nowhere informed by an explicit—not to say a common—definition of diplomacy! The word is used differently in different places; for example, "Hay's deft diplomacy made such a retreat far easier for the British leaders." "Root . . . retained his basic distrust of diplomacy." How is one to relate a man's qualities to his performance of his manifest job, or an important segment of his manifest job, if no effort is made to specify what the latter consists of?

The lack of explicit comparison in the volume constitutes its second major defect. No attempt is made to bring together any relevant aspects of the experiences of Secretaries of State, so that one might hazard tentative generalizations about their significance. The book tells us nothing explicit about the institution of the Secretary of State; it only tells us about fourteen Secretaries who were apparently alike in some respects, and apparently unlike in others. In this context the absence of a chapter that gives, or even attempts, some overview is particularly regrettable. The amount of variation among Secretaries in background, in *modus operandi*, in operational experiences, in the judgments of "history," is tremendous, and this volume misses an equally tremendous opportunity to try to introduce some order into the subject.

Finally, one is tempted into a further reflection on the uses of the historical method in this particular volume. The life of a Secretary of State during most of the twentieth century has been a succession of awesome choices, where the costs and risks have been high, the moral components not especially attractive, the amount of relevant information inadequate to the demands put on it, and the stars not particularly auspicious. He works from the present into dim and inscrutable futures. His biographer, on the other hand, knows how it all comes out, and has an apparently inescapable tendency to write with a sense of predestination. My guess is that most of the Secretaries who are impaled in this book viewed the problems of their day rather differently than these essays suggest. But this, too, is another way of saying that we need new modes of fact-gathering in the service of more relevant theories.—BERNARD C. COHEN, *University of Wisconsin.*

Professional Diplomacy in the United States: 1779–1939. BY WARREN FREDERICK ILCHMAN. (Chicago: University of Chicago Press, 1961. Pp. 254. $6.00.)

To the growing list of titles in the newly-emergent field of administrative history must be added this volume, identified by the author as "part of a larger study tracing the growth of professional diplomacy in the United States." The intent here is to "document the evolution of a career service for foreign affairs." Later studies are to deal with numerous issues not covered here, such as the influence of administrative changes in the upper diplomatic ranks upon decision-making. Ultimately, "the effect of professional diplomacy on American foreign policy will be considered." Painstaking and scholarly analyses of such issues will make overdue additions to the literature on American foreign policy.

Professor Ilchman's study is based upon exhaustive research into the administrative development of the diplomatic and consular services during the period 1779–1939. The author reveals full command of his subject and intimate acquaintance with sources bearing upon it, to a degree which is perhaps outstanding for one writing in a comparatively new field. Brief as it is, this is an invaluable sourcebook for students interested in the evolution of American diplomatic machinery. If promised companion volumes are forthcoming, the series will doubtless become a standard reference work in the field. Regarding a book intended as part of a still-uncompleted series, both the author and reviewers are perhaps under disadvantage not present in more normal circumstances. For it may well be that implications of the subject treated briefly (sometimes superficially) here will be covered more satisfactorily in forthcoming studies; the author's terse statement of questions deliberately deferred makes it difficult always to be certain. In many instances, this is no doubt the intention. In others, it is difficult to see how it can be attempted smoothly and logically, without placing an impossible burden upon the reader to remember factual materials presented early in this first book. Meticulous as he is in tracing out successive statutes, executive orders, precedents, and other developments bearing upon his subject, throughout the process the author frequently leaves the question: what have these things to do with the actual *formulation and operation* of American foreign policy? What was their overall *impact* upon the foreign policy process?

This seems the book's principal weakness. Facts are presented in abundance, if not sometimes to the point of tedium. Documentation is impressive and as comprehensive as could be desired. Interpretation is kept to a minimum—indeed, the reader is left to wonder about the lasting *significance* of major and minor developments. The reader senses a recurrent reluctance on the part of the author to cut loose from his sources and quotations and to give *his* judgments about the evidence he has so carefully sifted.

Stylistically, the reader may also hope for some beneficial changes in future studies One of these might be greater effort by the author in discriminating between important and relatively unimportant aspects of his subjects. It is not always evident to the reader, because sometimes it does not seem evident to the author, which is which. The readability of this book sometimes suffers acutely from a lack of priority in this respect. Another suggestion is that the author endeavor to avoid laboring his points. Even this short work could be made more interesting, particularly for the non-specialist, if needless reiteration of points and multiple quotations saying substantially the same thing were pruned.—CECIL V. CRABB, JR., *Vassar College.*

Cases in State and Local Government. RICHARD T. FROST, ed. (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1961. Pp. xii, 361. $3.95.)

Debate over the utility of case studies rages at two levels. The first has to do with means of advancing scientific frontiers, the second with techniques of teaching. *Cases in State and Local Government* clearly makes its claims at the second level. The case studies which compose it are short and relatively simple. Introductory notes indicate that each case is intended to illustrate some widely accepted proposition from the textbook literature on state and local government.

Richard T. Frost, in his preface, suggests that case studies are valuable because they can impart "a 'feel' for the governing of men." He does not deal, however, with the perennial question raised by critics of case studies as tools of science: how can one evaluate them? The better writer may not be the more perceptive observer. The case author generally feels no obligation to place his facts in the broad context of his discipline, to indicate how typical or how significant they are. The "feel" conveyed by a smoothly written book of case studies may, therefore, be neither accurate, applicable, nor profound.

In the final analysis, all case studies must be judged by their relationship to theory. This is true on both levels of debate. Case research is useful at the frontiers of social science if it inspires pregnant explanatory hypotheses. Well-written case studies can vividly illustrate such hypotheses. Cases intended as teaching implements should meet the test of illustrating well the complex relationships and important controversies of social life as described by the hypotheses which currently pass in the scholarly world for knowledge.

Most of the case studies under review are, unfortunately, pitched at a highly superficial level. Frost has endeavored to illustrate a very wide range of theories in relatively few pages. The twenty-seven cases presented average forty-five hundred words each. In general, this space limitation has precluded the development of relationships in detail. The "facts" of most of the cases are presented in bare outline and then "explained" in textbook fashion. Readers without background in the subject are likely to experience a constant sense of disorientation. Some teachers will wish to exploit this, of course, but they may find themselves doing the work of any good text writer rather than leading discussions of more difficult and controversial matter.

This reviewer is further troubled by the prominence of author biases in some of these cases. It is frequently claimed that case studies can provoke students by presenting the various sides of controversial issues colorfully and persuasively. This potential no doubt exists. But a number of contributors to this volume have chosen to dissipate it by presenting controversies as battles between the enlightened and the entrenched. The force of their partisanship is accentuated by the fact that many of these writers participated in the controversies they describe. It should be noted, however, that Frost considers the involvement of his collaborators an advantage, enabling them to have "a good grip on the events."

In a volume as diverse as this, criticism of the whole is inevitably unjust to some of the parts. A number of cases struck this reviewer as overcoming the space handicap and telling provocative stories very well indeed, notably: "The New York Fluoridation Dispute," by Gerald Pomper; "The Special Case of Public Education," by Alan Rosenthal; "Chairman and Superintendent," by Frank Sorauf; "Old and New in the Old South," by James Prothro; "The Legislature Redistricts Illinois," by Gilbert Steiner and Samuel Gove; "The Davis High School Principal," by Robert Sinclair (a pseudonym); and "Water for Wauwatosa," by David Gladfelter.—ALAN ALTSHULER, *Makerere College* (East Africa.)

Preprimary Endorsements in California Politics. BY LEONARD ROWE. (Berkeley: University of California, Bureau of Public Administration, 1961. Pp. ix, 85. $2.00.)

In 1959 California abolished the system of candidate cross-filing for the nomination of more than one party in the primary election. This event naturally suggested analysis of the informal practices now prevailing of selecting candidates prior to the primary. The legal situation in California is that state law neither authorizes nor prohibits endorsements by official party committees; in practice, most official party committees do not make endorsements. Leonard Rowe has reviewed the origins and experience with "preprimary endorsements" by informal party groups, meeting in district and state conventions. The principal party groups are the California Republican Assembly and the California Democratic Council. He finds that preprimary endorsements have had "a healthy effect" on California politics. They have not reduced but contributed to an increase of voter participation in state primaries from less than 50 to over 60 per cent over the past twenty years. He believes that preprimary conventions provide a means by which the importance of money in making nominations *may be* reduced, and that they open as well as shut the door to able candidates. They have "broadened the nomination process" by restoring mass organization and delegate conventions at the county, district and state levels. The major criticism that Rowe levels against preprimary endorsements as practiced in California is that the formulas used for selecting delegates to endorsing conventions are based upon the informal "club membership" in the counties and districts rather than upon "party registration or voting strength." He suggests that thought be given to revising these representation formulas, to the possibility of multiple endorsements, and to the idea of requiring a fixed percentage of the convention vote to secure place on the primary ballot.—AVERY LEISERSON, *Vanderbilt University.*

American Perspectives. EDITED BY ROBERT E. SPILLER AND ERIC LARRABEE. (Cambridge: Harvard University Press, 1961. Pp. vii, 216. $4.75.)

The Knights of the Round Table discovered many things, depending on what kind of men they were and what they had the capacity to see. Yet none, as I recollect, in fact found the Holy Grail they sought.

Just so in this book, where ten specialists were commissioned to find together the American national character for a volume to be entitled *The Image of America in the Twentieth Century.* Each finds something, but when set together, no recognizable national character emerges. The editors recognized this when they received the essays, and rather than ordering rewriting or doing it themselves, they printed the whole under the present less pretentious title.

Ralph H. Gabriel provides a quick (16 page) historiography since 1800, with the usual unstated assumption that the battle of intellects somehow reflects the attitudes of the people about whom history is written. Morton White discusses controversies regarding the definition of pragmatism, and asserts that the ambiguities at the top levels of science mirror the ambiguities of society. Spiller himself provides a history of literary criticism as Edward N. Waters does for music, painting, and sculpture, and Reuel Denney for popular culture.

Only two of the authors deal directly with the problem at hand—the national image. Thomas C. Cochran reports on what representative social scientists have said about the American character, although he warns that these social scientists selected what they regarded as important and Cochran does not attempt to judge the accuracy of their observations. Economist Kenneth E. Boulding is the only contributor who actually reports scientific data about what the general public—the consumers of ideas rather than the merchants—think. Even so, he concludes with his own impressions that economic conflicts are lessening, and that everyone is truly in the great middle class.

No political scientist is among the contributors. John M. Blum, Yale history professor, in the chapter on politics, sees the ever forming and dissolving coalitions of two-party politics as the attempt of a conciliatory middle class to protect itself by resolving through compromise the several antitheses of American life. To Blum, Theodore Roosevelt, Wilson, Coolidge, Franklin

Roosevelt, and Eisenhower all expressed the public image of the middle class—a changing image, to be sure, as the middle class felt threatened in turn by corruption, big business, reform, depression, and change. Now, he finds, "leveling-up" has progressed so far that group conflict is spent, leaving the parties on dead center. He hopes that the middle class will reform itself and regain a missionary spirit to solve the remaining problems of racial discrimination and foreign policy.

The principal merit of this book to political scientists will be to counteract a tendency to overestimate the place of their discipline and subject matter in American life. Politics is after all only a rather marginal concern for many people. It is useful to know what else is occupying the minds of intellectuals and those about whom and for whom intellectuals think.—CHARLES H. BACKSTROM, *University of Minnesota.*

The New America: Politics and Society in the Age of the Smooth Deal. BY KARL E. MEYER. (New York: Basic Books, 1961. Pp. 206. $4.50.)

Sometimes a book review should be a warning. The imposing title of this book, and the memory some members of the profession may have of Mr. Meyer's striking article on the "Smooth Dealers" in *Commentary* a few years ago, may lead them to expect an important study of new developments in American politics.

Unfortunately, the book does not fulfill this promise. It is a discursive, occasionally pointed, entertaining, but generally superficial *pastiche*, in which the author offers impressions and opinions concerning political phenomena from the role of the presidency to the ways of contemporary political journalism. His basic argument is that our politics has grown too bland, too "Smooth Dealing," too little concerned with a vigorous and controversial approach to the serious issues of the day as he sees them. The book is divided into a first part on "symptoms," and a second part on "sources"; but the portion on sources is not analytical and remains an again superficial sketch of trends. They range from the conversion of the American "melting pot" into the "pressure cooker," in which the variety of ethnic stocks is converted into a standard-American pattern, to the decline of the *élan* of the progressive movement as an aspect of the decline of a forthright political commitment. The author's address is generally New Dealish-liberal, though by no means dogmatic.

In many ways the book reminds one of the work of Mr. Meyer's cartoonist-colleague on the Washington *Post*, Herb Block. It does not have quite enough seriousness relief, however, to enable it to live up to its title or make it really worthwhile.—WILLIAM NISBET CHAMBERS, *Washington University* (St. Louis).

Collective Bargaining in the Federal Civil Service: A Study of Labor-Management Relations in United States Government. BY WILSON R. HART. (New York: Harper & Brothers, 1961. Pp. xi, 302. $6.50.)

Mr. Hart's qualifications for dealing with this complex subject are impressive. He has directed the personnel and labor relations program for the U. S. Army and is currently president of a public employees' union, the American Federation of Government Employees in the Office of the Secretary of Defense.

As Hart points out, the traditional approach to labor-management relations in the federal service is essentially negative. Agency directives acknowledge the right of the employees to organize, but they do so in coldly neutral terms. The regulations spell out in detail the limitations within which employee organizations must operate. The attitude of the federal executive is usually one of "spontaneous hostility bred from the conviction that the personnel director and the union leader are natural antagonists with irreconcilable conflicts of interest. The shibboleth of the conventional personnel director is, 'If you run a good personnel program you won't have any union to deal with.'"

As a result of these personnel policies the United States government has often been accused of engaging in "unfair labor practices." In general, critics argue that the government's labor-management relations policies are out of date in the light of recent developments in human relations and industrial relations, that it is morally indefensible for the federal government to refuse to grant the privilege of collective bargaining to its employees when it compels private employers to engage in collective bargaining with their employees and that the best public personnel programs are found in those federal agencies which have the strongest employee organizations. The federal government's existing labor-management policies are defended most strongly by managerial personnel in the executive branch who argue that the sovereign nature of the government prevents it from entering into a genuine collective-bargaining relationship with its employees that the major decisions concerning wages, hours, and working conditions are made by Congress and that the federal service has already voluntarily granted to its employees the same privileges which employees in private industry have under collective bargaining.

Hart considers these arguments at length and concludes that those which support present federal personnel policies are weak indeed. On the issue of sovereignty, he argues that while it is true that a sovereign cannot be compelled to bargain with its employees there is nothing to prevent legislative or executive authorities from voluntarily granting such a right. As for the assertion that Congress has fixed the conditions of employment, Hart shows that the executive branch has considerable discretion even in the vitally important matter of determining salaries. The claim that federal employees now enjoy the privileges that employees in private industry enjoy under collective bargaining, Hart rejects. Even if this were true, he argues, benevolent paternalism is a poor substitute for genuine participation, poor for the employees and poorer still for the public service. Further, Hart points out that there are government agencies, notably the TVA, that have experimented successfully with collective bargaining. In sum, Hart concludes that there is nothing about collective bargaining in the public service which is inherently illegal, or offensive to public policy.

Hart has made an impressive case for collective bargaining. But while agreeing with his conclusions it is still possible to raise questions of interpretation and emphasis. For example, there are doubtless those who would question whether the federal Civil Service Commission, "is part and parcel of the executive branch." Also open to challenge is the assertion that "when the government of the United States hires a new employee, it has no problem of motivation." In general the discussion of sovereignty is inadequate. The issues involved are much more complex than Hart suggests. Even more serious is the argument that staff proliferation is based on the executive's fear that one of his subordinates may commit "an impropriety or indiscretion for which he will ultimately be held accountable and by which he may be tarnished." This view seems to be based on an unduly narrow concept of the staff function.

But in the main Hart's presentation is impressive. Much of what he says has been said before, but he brings the discussion up to date and summarizes the major arguments in eminently readable fashion.—ROBERT J. MCNEILL, *Purdue University.*

The Strategy of Truth: The Story of the U. S. Information Service. BY WILSON P. DIZARD. (Washington D. C.: Public Affairs Press, 1961. Pp. viii, 213. $4.50.)

Dizard's study is essentially a descriptive account of the world wide operations of the United States Information Service (USIS). It does not pretend to do anything more than bring us up to date on developments within USIS since those black days when the late Senator McCarthy hammered headlines out of hapless USIS personnel. It is enough, however, that Dizard can report in confident tones of the Information Service's comeback. No longer the gaudy trumpet of messianic crusades nor the target of even gaudier accusations, USIS has entered into a stable bureaucratic existence. "The new stability that exists in the Agency's relations with Congress permits it to operate at the steady pace essential to its success."

Dizard suggests two causes for USIS' fine recovery. First, the American people, especially their Congressmen, have finally accepted the idea that the United States needs an information and culture program as part of its cold war strategy.

Equally important, USIS has developed a more professional attitude and personnel. Both the "Madison Avenue" and "psychwar" overtones that marred the early development of the Voice of America have been subdued. In place of the "hard sell" and in resistance to harebrained psychwar schemes which promised to wrest the propaganda initiative from the Communists by techniques which could not possibly stand the test of time, the Information Service has settled down to the task of projecting an image of America that will wear well year in and year out, crisis in and crisis out. Such an approach aims at creating an image that is compatible with our society and with the policies we are likely to espouse; one which will carry us through crisis periods when our policies, for reasons of national interest, are out of harmony with dominant world opinion. "We are not going to be defeated by what the world thinks of our tariff laws or our China policy. The decision will hang on the validity of our total claim as a democratic world leader and on the concurrence of our interests with those of other people."

The new professionalism of which Dizard speaks takes several forms. The Information Service has become less dependent on amateurs and people from outside its own ranks. In emulation of the Foreign Service, USIS now recruits a steady stream of people who regard themselves as professional civil servants. It remains to be seen if the function of status-building implicit in the drive toward greater professionalization on the model of the Foreign Service will serve the Information Service to its best advantage.

A more sober sense of reality also characterizes USIS operations. The strident ideological tone of earlier years has been muted in favor of objective news reporting and cultural and educational programs. The central effort now is to inform and persuade opinion leaders and opinion makers in foreign countries as the most satisfactory mode of reaching the larger public. Far from taking a dim view of what Hollywood contributes to the cultural image of America, USIS concentrates on supplementing and balancing the ever popular Hollywood diet with more serious and representative films of American life and achievements.

One of the most interesting shifts of emphasis concerns the role Dizard attributes to Radio Free Europe (RFE) and Radio in the American Sector (RIAS). RFE is privately operated while RIAS, broadcasting to East Germany, is under USIS guidance. Their mission is no longer to contribute fuel to the revolutionary fires in Eastern Europe; instead, their function is to "exert an influence on Communist leadership to modify its repressive policies." In short we are no longer operating on the premise that the walls of Jericho will fall before our trumpet blast.

It is also heartening to know that perhaps our greatest successes have been achieved by our musicians and artists, for it is they who have brought America of age in the eyes of foreigners prepared to dismiss us as barbarians and materialists. The role of culture in the cold war still awaits a more profound study, but Dizard has at least given us an interesting account of the present direction of America's information and cultural activities.—David S. McLellan, *University of California* (Riverside.)

A History of the United States Weather Bureau. By Donald R. Whitnah. (Urbana: University of Illinois Press, 1961. Pp. vii & ix, 240. $6.00.)

The crucial role of the scientist in making governmental decisions is beginning to attract wide attention. It has been dramatized by Sir Charles P. Snow in his novels, and clearly stated in his lectures at Harvard in 1960 (published now by Harvard University Press under the title *Science and Government*). Of course it is the application of science to warfare and defense which has drawn most public attention. However, a small group of social scientists have observed for some time the expanding role of scientists in decision-making at all levels of government. Dean Don K. Price's *Government and Science* (1954), a pioneer effort by a political scientist, points up this new role in American government as no other study has done. We may expect other fruitful studies from social scientists of various disciplines.

Donald R. Whitnah's *A History of the United States Weather Bureau* is a study of the science-government phenomenon within the context of the historical evolution of a government bureau. It is a valuable reference book, especially for students of public administration. It traces the United States Weather Bureau from its inception in 1870 to 1960, with a major emphasis upon its history prior to World War II. Dr. Whitnah, now Professor of History at Iowa State Teachers College, writes the story with a thorough understanding of meteorology as well as history, having served as a weather observer and analyst from 1951–56 with the Illinois State Water Survey Division at Urbana.

The political scientist interested in the evolution of a governmental agency concerned primarily with scientific investigations will find Professor Whitnah's study valuable. It contains a wealth of well documented information on the development of meteorology as a special study and the importance of the Weather Bureau in that development.

The reader of this running account of the Weather Bureau will discover how it emerged from the active interests of meteorologists as pure scientists who through their professional organizations aroused public interest in weather reports and predictions and how one of their number, Professor Cleveland Abbe, led the movement for a federal agency and became the most important single figure throughout its formative twenty-one years. Although he was not regarded as an outstanding meteorologist by his colleagues in the field, Abbe's ability to organize scientific research and to arouse civic interest was outstanding. He argued from the first for a civilian agency; but practical considerations caused H. E. Paine, Representative from Wisconsin, to introduce a bill in 1869 which assigned the task of gathering information on weather to the Army Signal Corps. The period of military control from 1870 to 1891 proved not to be a happy one for the Army. The study and predictions on weather were too new and the instruments inadequate for accurate predictions. The service was subjected to ridicule and congressional investigations. Although the first ten years under the leadership of Colonel A. J. Meyer were peaceful ones, after 1880 the weather service of the Signal Corps fell into the hands of military men who had no special aptitude or interest. General William B. Hazen's administration which lasted only six years (1880–86) was one of administrative ineptitude and scandal. His attempt to apply military discipline to this scientific enterprise brought great upheaval and ultimately congressional investigations. His successor, General A. W. Greeley, proved to be little better. General Greeley's failures increased public criticism and led him to conclude that it would be best to be rid of the meteorological branch of the Signal Corps. Secretary of Agriculture Jeremiah M. Rusk was just as interested in securing the service. The upshot of the situation was a transfer of functions to the Department of Agriculture in 1890, and the establishment of the Weather Bureau.

Willis Luther Moore, the Bureau's second director, aroused Congressional criticism by his failure to give strict account of expenditures.

Investigation failed to disclose a misuse of funds but resulted in a realization by Congress of the high quality of scientific workmanship of the Bureau. However, Moore clashed too many times with the Secretary of Agriculture and finally deserted science and administration for politics. He openly tried to secure promise of appointment as Secretary of Agriculture from Woodrow Wilson. His political activity caused such a furor that he was threatened with prosecution and was ultimately removed by Wilson in 1913.

Professor Whitnah tells us little of the dynamics of administration within the Bureau after 1913. The two wars increased public interest in information on weather with a higher regard for its services as scientific instruments became more accurate and predictions more reliable. The Bureau's clientele expanded from anxious farmers and sea captains to the press which capitalized on weather information, to air lines, and even to commercial outdoor sports which depended heavily upon clear weather for large crowds. It would have been of interest if the author had given more attention to the use and misuse of meteorological information by numerous radio broadcasting stations. Partially trained weathermen who gained their knowledge in the military service during the second World War appear in competition with the Bureau on radio and television almost every hour of the day, arousing the criticism of Bureau meteorologists. For the first time criticisms are flowing both ways, the Bureau being charged with attempting to monopolize information on the weather.

A History of the United States Weather Bureau indicates some problems of administration of an agency devoted to science and information. These could be developed as dramatically as was the "Glavis-Ballinger Dispute" by Winifred McCulloch in *Public Administration and Policy Development* under Harold Stein's editorship. More facts would have to be obtained but the industrious case writer might find his efforts rewarding if he followed some of the leads marked out by Donald Whitnah.

The story of the United States Weather Bureau provides another illustration for Dean Price's thesis in his *Government and Science* of (1) the importance of professional organizations of scientists in advancing certain types of administration and (2) the inadequacies of old and established government agencies as a dynamic force in new situations. With the second World War, although the Bureau had grown in importance as a source of weather information, it was subjected to competition both within and outside the Federal Government. Perhaps its greatest future will lie in its research in outer space and less with weather per se, in which case it may be cast in a new scientific role.—LASHLEY G. HARVEY, *Boston University*.

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AMERICAN GOVERNMENT AND POLITICS

FRANKLIN L. BURDETTE
University of Maryland

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FOREIGN AND COMPARATIVE GOVERNMENT

The Red Phoenix: Russia Since World War II. By Harry Schwartz. (New York: Frederick A. Praeger, Inc., 1961. Pp. xii, 427. $6.00.)

One of America's best known journalist-analysts of the U.S.S.R. has written a book to express and justify his gloom. For a decade he has been reaching the conclusion that the test of history has shown Stalin and Khrushchev more imaginative, wiser planners and more skillful organizers for the cold war than leaders of the United States. He sees only danger in prolonged continuation of the disparity and fears defeat for the United States unless we appreciate his reasons for concern and translate that concern into effective action.

The methodology of this book is disquieting to the reader who is accustomed to a fully reasoned argument written as of a given moment and relying upon carefully and logically organized fact in support of the conclusions. This Dr. Schwartz does not do. He has taken his columns in the *New York Times* over the past decade and set them forth essentially as they were written, with brief connecting paragraphs in italics to make the necessary transitions. Only at the outset and the end has he written chapters especially for the volume.

For those who have experimented with teaching history and political science by presenting to students who know nothing of the reasons for indecision the issues as they appeared to the statesmen of the time, this book is admirable. It is too easy for students to see the crisis of today and wonder why the men in Washington or elsewhere failed to see the handwriting in time and take appropriate measures. Dr. Schwartz makes it possible to present the feeling of the day when issues emerged and before any one could tell where they might lead. No one now, for example, thinks much of Malenkov's brief interlude of power, but there were mornings when the readers of the *Times* had reason to wonder with whom the United States would have to contend in another five years. Malenkov is given, consequently, far more space than he would receive if an author were to consider the problems of today.

Dr. Schwartz's method also conveys the constant flux of the Soviet scene better than the analysis that is made at a given moment. He permits his reader to live through Soviet indecision with regard to Tito, the unclear menacing form of China as it loomed upon the horizon long before the open break of the XXII Communist Party Congress, the rise of Khrushchev from relative obscurity to a position of great power. He is able to quote a Soviet doctor he met in 1955 who warned that when the Soviet leaders had power, they would destroy the United States, and that Americans should not underestimate the speed with which that power was growing. From a vantage point in 1961, with the atomic fall-out from the 50 megaton bomb still circling the globe, such advice should have put America on notice, but for many of those who were making policy in 1955, the possibility of such a threat in 1961 seemed remote.

Sources of major change are discerned by Dr. Schwartz in the decision to develop a more rational economic system even if it meant reversing long held views, the shift in generations which in his view is likely to direct attention away from the goal of the international communist movement to purely Russian nationalist aims, the achievement of a substantially improved standard of living, and the impact of an ever stronger China. Soviet policy makers must, he believes, decide whether China should be helped to strength, and here appears the possible conflict between nationalist and internationalist communist goals, for reasons that the author sets forth.

For this reviewer, at least, Dr. Schwartz's warnings at the breakfast table have long been heard, and it has been hard to disagree with his conclusion that in spite of its economic system and its lack of democratic government the U.S.S.R. has been increasing its economic and political power. Even today there is surprise in the United States that so many Soviet citizens have been willing to declare before Stalin's now-empty mausoleum that they revered him, as many assuredly did, whether won over by his propaganda apparatus or by the personal benefit they had gained themselves by appealing to his secretariat for a favor. Assuredly, there has been much underestimation of Soviet strength. Still, it is hard to accept Dr. Schwartz's gloomy view of the future, for it becomes apparent that Soviet leadership can overplay its hand as it has done with excessive atomic testing, or in splitting violently with its Chinese comrades in arms. This book will perform a service if it persuades doubters to take the Russians seriously and prepare for competition of the most bitter kind on every front, but it should not be taken as a blue print of what will happen. There are imponderables on the Soviet side that can change the picture, and at present the chief of these is China.—JOHN N. HAZARD, *Columbia University*.

Power and Policy in the U.S.S.R.: The Study of Soviet Dynastics. BY R. CONQUEST. (New York: St. Martin's Press, 1961. Pp. x, 485. $7.95.)

The primary concern of this volume is dual in nature. It is concerned simultaneously with general theory and with specific application, and is therefore of interest both to the theorist and to the Soviet specialist. On the one hand, Mr. Conquest believes that "this study forms, or should form a separate discipline—'dynastics' " and he hopes "to establish a general method for the interpretation of Soviet events." On the other hand he states that "the main theme of this book is Soviet politics in the decade just past" and clearly aims at presenting a detailed study and interpretation of the struggle for power at the top of the Soviet hierarchy.

Few areas of contemporary politics offer as much temptation to push speculation beyond the available evidence. It is, then, hardly surprising that for the serious student the "Kremlinologist" has, in the author's words "always been a somewhat disreputable figure." Robert Conquest sets out to rescue both Kremlinology and future Kremlinologists from such disrepute. Since he has unquestionably produced a serious, realistic, well-documented, and, by academic standards, eminently respectable study of the Soviet power struggle, it would be hard to deny that he has succeeded in his immediate objective. Whether, however, he can or ought to succeed in his effort to raise Kremlinology or Soviet dynastics to the status of a separate academic discipline is another matter entirely.

The book could hardly have been published at a more appropriate time in view of its stated objectives. The fact that the changes which accompany such events as the XXII Congress tend to push the Soviet specialist into the role of Kremlinologist, even if only temporarily or partially, could indeed lead to a greater appreciation of the utility, and perhaps even the unavoidability of Kremlinology in some form. The appearance of a model of careful Kremlinology like Mr. Conquest's is doubly important at a time like the present because it provides both an example for rasher Kremlinologists to emulate and a set of hypotheses which can now be subjected to further testing. Mr. Conquest's proposal for a specialized journal in the field which would both register relevant facts and compare speculative theory may also be aided by recent events which indicate its utility.

The organization of the book reflects its dual purpose. Part One presents the basic theoretical framework including a detailed treatment of questions of evidence and an attempt to identify the basic forces and pressures in Soviet politics. The remainder of the book involves both the expansion and the testing of the theory in terms of its detailed application to conflicts in the U.S.S.R. since 1949. These include the Leningrad Case, the agricultural disputes, the XIX Congress, the death of Stalin, the fall of Beria, Malenkov's premiership, the XX Congress, the Anti-Party Group, Khrushchev's Ascendancy, and the XX Congress.

It is clearly impossible in a review of this length to deal with even the main lines of a sophisticated interpretation of such a complex series of events. Indeed, if, as the author contends, the main temptation in the field is that of simplifying too much, it is clear not only that he has not succumbed to temptation, but that it would be manifestly unfair for a reviewer to attempt to reduce his elaborate series of hypotheses to some artificial schematic outline.

A few general comments may indicate some of the points most open to criticism. First, Mr. Conquest's self-imposed restriction of relying in principle exclusively upon official evidence does not seem essential for respectable work in the field. Different criteria may have to be developed for evaluating official, quasi-official, and unofficial evidence, but there seems to be insufficient reason to exclude all but purely official evidence. Indeed, Mr. Conquest himself finds it necessary to justify his own acceptance of Khrushchev's Secret Speech as "official." Moreover, the virtually complete exclusion of Communist China from consideration is not, I think, a procedure which future workers in this field will be willing to accept. Again, in view of the book's implicit reliance upon essentially constant patterns of Soviet behavior, the meaning and implications of the author's cryptic remarks near the end of the book about future enormous changes in and possible democratization of the regime certainly need elaboration and clarification.

Nevertheless, the book's merits are substantial. To the theorist it offers a highly sophisticated example of empirical theory—careful, cautious, constantly striving to be aware of its own assumptions and to stress the tentative and hypothetical nature of the inquiry. To the Soviet specialist it offers a wealth of information (some of it in the appendices) combined with informed speculation on its meaning. To all it offers a fascinating attempt to penetrate the mysteries of the Soviet struggle for power.—L. Gerald Bursey, *Northeastern University*.

Communism in Czechoslovakia, 1948–1960. By Edward Taborsky. (Princeton: Princeton University Press, 1961. Pp. xii, 628. $12.50.)

This book will remain for some time to come the standard work on the postwar Czechoslovak communist regime. It is scholarly, thorough and detailed, with a wealth of information from primary sources.

The Czechoslovak Communist Party, the governmental structure, the economic performance of the regime and "the making of the new communist man" are discussed in the four parts of the book. Despite the breadth of these topics, the author is not overwhelmed by the sheer weight of data amassed. Although Professor Taborsky makes no use of explicit analytical frameworks, his discussion is intuitively structured to present a meaningful panorama of the regime.

His comprehensive discussion of the Party includes its organizational structure, functions and policies, its membership, cohesiveness, partisan roles and motivations. The development of the Party is analyzed, the Great Purge discussed and the pernicious Party *isms*, ranging from "revisionism" to local "Masarykism," considered. Particularly insightful portraits are drawn of the ruling oligarchs and their relationship to the rank-and-file. Much in this section of the book, as elsewhere, must have a familiar ring for students of the Soviet system, even for those totally unacquainted with the Czechoslovak scene. For the Soviet image casts its long shadow over every aspect of Czechoslovakia's communist regime.

Perhaps the best portion of the book is the discussion of the "communist transmission belts of formal government." Taborsky presents the reader with a thorough picture of the two constitutions, the ever-changing, shapeless machinery of communist government and its operational code. At the same time the empty shell of communist institutional and constitutional devices is exposed: the legislature does not legislate, the executive branch does not make decisions, the voter does not choose the office-holders. One could muse ironically that the state indeed is withering away (as Engels predicted) but is leaving the power monopoly of the Party in its stead.

The third part of the book attempts to evaluate the regime's performance in the economic and social welfare spheres. Czechoslovakia is considered to be Moscow's "showcase of communism." Unravelling the maze of communist statistics, the author is aware of the pitfalls involved in comparing a regimented, totalitarian society with a free Western nation. Nevertheless he makes some assessments: in the industrial sector the regime is not a failure although the claim of "outproducing capitalism" is a myth. In agriculture, a dismal failure has been reaped. This particular section gives a disturbing picture of the human and social cost of a communist experiment: the workers facing the production norms, the *kulaks* caught in the "class struggle" of the villages, the peasants being regimented into collective farms.

The last portion of the study concentrates on the ways and means of indoctrination. Among the topics discussed, the "sky-high Iron Curtain . . . to serve . . . the purposes . . . of collectivizing the mind of a whole nation" is particularly interesting. However, in comparison to other portions of the book, one might complain that the fascinating topic, "the making of the new communist man," is not given sufficiently intensive treatment. In general, if this book warrants criticism, it is because Taborsky focuses his analysis on the pattern of government rather than on the pattern of politics. The "transmission belts of formal government" are excellently scrutinized but the informal controls and the associational patterns of Czechoslovak society are neglected. The fate of a pluralistic society as remodelled by the Party receives skimpy treatment. Thus also the picture of revolution and social change in Czechoslovakia comes through only in faint colors.

Among Taborsky's findings and conclusions, perhaps the single most striking is the constant emulation of the Soviet model in all spheres of Czechoslovak life. By the end of the twelfth year, Czechoslovakia shows itself as a miniature replica of the Soviet Union. If it rains in Moscow one may count upon the communists in Prague to open their umbrellas. Faithfulness and discipline, of course, are traits of the communist international movement. Furthermore, for the Czechoslovak Communist Party the Kremlin in the last analysis is the supreme guarantee of their rule and totalitarian system. Sycophantism thus becomes the Czechoslovak *raison d'état.*

In the concluding chapter Taborsky submits that Marx-Leninism has in fact failed in Czechoslovakia. The dynamism of the Party has eroded, the Party as a social movement has become less attractive and there are fewer true communists in the country today than in the past. Party members are opportunist rather than dedicated, fearful rather than activist. The people are resigned or patient but certainly unimpressed, accepting the tyranny of necessity but without conviction. It seems that this very weakness of the regime is also the source of its stability. Czechoslovak stability is the *immobilisme* of a Party devoid of creative energy, incapable of the revisionism that elsewhere in the satellites brought turmoil, hopeful change and relaxation of the Kremlin's controls. Taborsky feels that for Czechoslovakia such a renaissance is unlikely. Only if fundamental changes occur in the Russian regime may Czechoslovakia show that its communist veneer is but skin deep.—IVO K. FEIERABEND, *San Diego State College.*

Growth of Public Expenditures in the United Kingdom. BY ALAN T. PEACOCK AND JACK WISEMAN ASSISTED BY JINDRICH VEVERKA. A Study by the National Bureau of Economic Research. (Princeton: Princeton University Press, 1961. Pp. xxxi, 213. $5.00.)

This is an extremely useful book. From it any attentive reader may learn the significant facts about the growth of public expenditures in the United Kingdom from 1890 through 1955. This growth is carefully expressed in money expenditures at current prices, in real cost by conversion to 1900 prices, in percentages of the gross national product, and in several series of index numbers. To give a perspective which runs back of 1890, the authors have prepared figures for selected years as far back as 1792. All series are expressed in per capita figures, as well as in total amounts. Finally, charts and diagrams give a general picture of magnitudes involved, and detailed figures are set forth in tables in the text and an appendix.

Totals are broken down into categories. Tables and charts compare local government expenditures to national, and tables and charts show expenditures on welfare programs, national defense, and nationalized industries. Rates of growth for these categories may therefore be seen as part of the total growth, and all may be compared with the growth of population and national income.

The authors' initial purpose was "the filling of a gap in the existing economic statistics of public expenditures in the United Kingdom during the last sixty years" (Preface, p. xix). The work of assembling and analyzing data, a formidable task, led them to formulate a theory which would explain the increase of expenditures. Total expenditure by 1955 had increased forty-seven times over 1890, reckoned in current prices, and had increased sevenfold in terms of 1900 prices. Expressed as a percentage of gross national product, it had risen from 7 to 37 percent during these years.

Their explanation of this increase depends largely on "the displacement effect" of two world wars. After each war total public expenditure fell from its wartime peak, but did not return to its prewar level. The authors are equally interested in "the concentration process" which put more and more of the total expenditure into the hands of the central government. Having examined the forces which led to the growth of spending, they devote their final chapter to a forecast of probable future trends.

They predict that expenditures on education, the national health scheme, national insurance, and a few other similar services are likely to expand. At the same time, family allowances, national assistance, war pensions, and agricultural and food subsidies will probably contract. Defense, national debt service, housing, and a few other services are likely to remain stationary. The total amount of government expenditure will increase, according to their estimates, by approximately 6 percent in the twenty-five years from 1956 to 1981. The share of the gross national product taken by government, then, is likely to decrease from 37 percent in 1955 to perhaps 21 percent in 1981.

A brief summary cannot do justice to the care and thoroughness which has been expended upon assembling and collating data, and to the caution with which hypotheses have been formulated. Indeed, the authors' caution at one place seems to set a record for academic reserve: "Without straining our thesis too far, however, it is possible to argue that World War II cannot be dismissed as an irrelevance." The tables and charts which they present have a high value for the student of public finance, and the interested citizen—and this includes the interested citizen of other nations than the United Kingdom. What the authors have assessed is the cost of maintaining the services of the modern state.

The interested citizen is entitled to one small complaint. He would be grateful if some of the terms used were explained more fully: such things, for example, as the constituent elements of the gross national product, and something of the structure of the index numbers. This could have been added to the explanation of terms in the Appendix, and would have made the meaning of the analysis more accessible to the average reader.

The great value of this book is the careful examination and analysis of the record since 1890, which makes possible a cautious but informed forecast of future prospects. The authors' forecasts, and any other forecast, are and must be based on the firm foundation of the facts which they have made available by a great deal of painstaking labor. Not only economists, but political scientists and public-spirited citizens can make a great deal of use of the figures, and of the discussion of the meaning of the figures.—PHILIP W. BUCK, *Stanford University.*

London's Newcomers: The West Indian Migrants. BY RUTH GLASS, ASSISTED BY HAROLD POLLINS. (Cambridge: Harvard University Press, 1961. Pp. xiii, 278. $4.00.)

In 1958 there was established at University College, London, a Centre for Urban Studies. In addition to the study projects which it initiates or assists, this Centre has the purpose of bringing together the contributions of social scientists and of workers in other fields such as town planning and public health.

London's Newcomers constitutes Report Number 1 of the Centre. Its author, Mrs. Ruth Glass, is the Centre's Director of Research. She gives us a detailed and stimulating study of one segment of the life of a great metropolis.

As the sub-title indicates, the author and her assistant are concerned with one group of migrants only, those coming from the British West Indies. Their problems cannot be kept entirely separate from those of colored migrants to Great Britain from other British dominions. However, West Indians now constitute a majority of Britain's colored residents, they are mostly recent arrivals (since 1953), and for most of them English is the main language. Such considerations motivated and justify this separate treatment.

Further, it was against West Indians that the most publicized racial rioting took place. These were the outbreaks of 1958, first in Nottingham and then in the Notting Dale district of northwestern London. They were not the first, or the last, anti-colored riots in England nor, as demonstrated by more recent despatches from Middlesbrough, have the West Indians been the only victims.

The first few chapters of the book are devoted to a careful analysis of the characteristics of the migrants and their distribution in London. In these studies use is made of available figures from the census, records of arrivals in Great Britain, and the reports of the Migrant Service Division of the West Indies Commission. These the author finds in some respects inadequate and incomplete. They are supplemented by extensive personal investigations and by other sources. The usefulness of this study is enhanced by three maps showing the distribution of West Indians in London.

The first section of the book demolishes some of the notions that have been popularized by newspaper headlines and radio commentators. Thus the number of West Indians (or of other colored persons for that matter) in London is small. Most are found in two rather large sections of London, one in northwest London stretching west from Paddington station; the other in the Brixton area of south central London. The concentration is not dense and with the possible exception of a very few blocks in south London nothing resembling even a tiny "Harlem" can be said to exist. Further, only a small minority of the migrants are rated as unskilled labor, although many find themselves downgraded in obtaining work in London.

The two middle sections of the book deal with problems of adjustment and with attitudes. The three main problems considered are those connected with housing, schools, and employment. The nature of these two sections makes a certain amount of repetition inevitable.

Mrs. Glass makes frequent general comparisons with the racial problem in the United States. It is perhaps this which leads to the inclusion of schools among problems of adjustment. In this field the absence of any real discrimination is the salient feature. In connection with the other two problems, the studies of discrimination in employment and especially in housing are carefully developed. The author is obviously keenly aware of the difficulty in determining to what extent discrimination is due to color or to competition for jobs and resentment at the arrival of additional residents in already badly overcrowded sections of the city. The nature of the treatment does tend to magnify the importance of color as a factor.

The last section of the book deals with reactions to the Notting Dale riots of 1958 and to the murder of a West Indian in the same general area in the spring of 1959. These include the reactions in Parliament and in the courts, in the press and among people generally. Attention is given to organizations on both sides—the anti-color groups and the groups activity working for tolerance and mutual respect.

In her preface the author states her definite opposition to racial discrimination and her belief in tolerance in an active, not merely a passive, sense. This has not prevented what is, with rare if any exceptions, an objective marshalling of the facts. Thus, while apparently convinced that the 1959 murder of the West Indian was due to color, she duly lists the facts according to which this must be labelled "not proven." Whether the facts justify all her conclusions is another matter. Racial discrimination has never been accepted by English law nor is it a respectable doctrine for political or trade union leaders. Most persons would accept the conclusion that labor and political leaders should more actively move against color discrimination. To what extent existing law against discrimination by private persons should be strengthened is something else again.

The limited scope of Mrs. Glass's book does not permit the exhaustive study and discussion of certain larger issues suggested by her immediate problem. She does, however, touch briefly upon the big problem of empire migration and the nature of the Commonwealth itself. Citizens of all parts of the Commonwealth are British citizens and as such entitled freely to enter and settle in Great Britain. Discussions so far in Parliament and statements of political leaders as summarized by Mrs. Glass indicated, then, no intention to change this. Whether, considering the vastly changed nature and size of the new British Commonwealth, her belief in this principle is sound is an important subject for future broad investigations and discussion. But this of course could not be included within the limited scope of the work under review.—JAMES Q. DEALEY, *University of Toledo.*

A Short Introduction to the Economy of Latin America. BY F. BENHAM AND H. A. HOLLEY. (London: Oxford University Press for the Royal Institute of International Affairs, 1960. Pp. x, 169. $2.90.)

This work by two British economists is one of a growing series of monographic studies devoted to Latin America under the auspices of the Royal Institute of International Affairs. Each of the others (except for R. A. Humphreys' bibliographical guide to Latin American history) has been an examination of the institutions of an individual state. This latest work, however, attempts a survey of the region as a whole. In common with the earlier monographs the authors of this one have produced a concise and contemporaneous study. In the preface it is stressed that their purpose was to present "a first introduction" to the economy of Latin America for the relatively uninformed reader rather than to deal exhaustively or profoundly with the subject.

The book is divided into two parts. The first, by Frederic Benham, is a descriptive catalogue of the entire region of Latin America under such headings as agriculture, forestry and fisheries, oil and other minerals, transport and power, manufacturing, international trade, and economic prospects. The second part, by H. A. Holley, provides a description and analysis of the economies of seven of the Latin American nations (Argentina, Brazil, Chile, Colombia, Mexico, Peru, and Venezuela). Altogether the authors have managed to compress much useful information between the covers of this small book, though its readability has suffered in the process.

As an "introduction" to the subject no attempt has been made in this work to break new ground in economic research or analysis. The source material consists almost wholly, especially in Part I, of public documents of the United Nations, its Economic Commission for Latin America, and the specialized agencies. The rather considerable domestic economic literature that this tormented and much-probed area of the world has produced appears not to have been consulted except peripherally. The heavy reliance upon the documents of international agencies, records that are notorious for their avoidance of embarrassing political conclusions, has had the effect of leaving some matters relatively untouched, such as the adverse result of heavy military appropriations upon underdeveloped economies, the relationship of the general social structure to the economic ills of the area, or the question of whether broadened participation in the fruits of an economy may help to promote democratic institutions. In general it appeared to a political scientist that much of the potential value of this book was lost by failing to explain why certain political facts of Latin America have caused many of the existing uneconomic conditions and continue to act as partial barriers to an economically-rational solution by politically-neutral foreign consultants.

One specific misstatement by Holley in his examination of the Argentine economy needs correction. It was Peron's insistence upon *ratification* of the Standard Oil of California contract in 1955 that was a factor in his downfall rather than the subsequent symptomatic disapproval of the concession by the *peronista* Congress. In the study on Brazil it would have been well to have included some mention of the severely depressed northeastern region as well as the arguments concerning the financial feasibility of the erection of Brasilia at this time. At the same time the most able chapter of the book, in the mind of this reader, was the very incisive explanation by Holley of the fiscal problems peculiar to Chile. The book ends with a statistical appendix on the international trade of the Latin American nations.

In conclusion it should be repeated that this is a very worthwhile work within the limited scope that the authors set for themselves. It is regrettable, however, that they did not attempt a larger frame of reference as a basis for their efforts. Finally, the recent initiation of the inter-American "Alliance for Progress" reveals that the field of comparative economics also suffers from the same hazard of "dating" that exists in our area of comparative politics.—FRANK M. LEWIS, *State University of South Dakota.*

Sun Yat-sen and Communism. BY SHAO CHUAN LENG AND NORMAN D. PALMER. (New York: Frederick A. Praeger, Inc., 1960. Pp. viii, 234. $6.00.)

Sun Yat-sen's alliance with Soviet Russia in 1923 has often been regarded as a major historical event leading to the conquest of the Chinese mainland by the Communists. Professors Shao and Palmer's illuminating book brings to the fore again this controversial event and its political consequences, naming Sun as the first leader of a nation to fall for the fallacy of the "United Front."

The book contains a concise but comprehensive analysis of Sun's early contact with the West. It builds an impressive defense for his fateful move to befriend the Soviets. However, the discussion still leaves largely unanswered two questions which have often been raised. Was Sun's position before the alliance so desperate that he had to seek Russian help? Could he have been too naive about Communism, viewing Russia more as a champion of equality for oppressed nations than as an apostle of Marx whose advocacy of class struggle he explicitly rejected?

Chapter 4 of the book gives a succinct description of the nature and scope of the Kuomintang-Soviet alliance, the inherent differences between the two, and the extent to which the founder of the Chinese Republic changed his doctrines under the Soviet influence. In evaluating this alliance, the authors agree that Sun did China a great disservice by "giving aid and comfort" to the Communists. In the opinion of the reviewer, the damage the alliance did to China was not so much in helping Communism to become entrenched in that country as it was in making Sun's own party, the Kuomintang, intrinsically incapable of fulfilling his ideals. By revitalizing the Kuomintang with Soviet methods, tactics, and organization, he also made it more authoritarian, thus crippling from the outset its ability to be an effective agent for democracy. The reviewer therefore cannot subscribe to the authors' rather casual remark that the failure of the Nationalists to carry on the revolution "is not due to any deficiencies in Sun's efforts or teachings."

The book has a very interesting account of Chinese Communists' interpretations of Sun's doctrines and policies. In a chapter which compares Sun Yat-senism and Chinese Communism, the authors rightly point out that the latter is a genuine development of Marxism-Leninism (and Stalinism, the reviewer would add), an ideology quite different from the democratic principles of the West, which contributed much to Sun Yat-senism. The reviewer feels however that an adequate understanding of Sun's ideas requires also a study of the interpretations and practice of the Chinese Nationalists, who have always considered themselves as his true followers. Such a study would add depth to the comparison of Sun Yat-senism and Chinese Communism.

Between the two isms, it is not difficult to detect where the sympathy of the authors lie. They are appalled by Red China's new system of communes. Without going into a detailed analysis of this system, they conclude *a priori* that Dr. Sun envisioned a very different future for his country and that "Communism, and not Sun Yat-senism, may yet prove to be a passing phase, rather than the climax, of the Chinese revolution."—JEFFREY Y. MAO, *Central College.*

Political Change in Morocco. BY DOUGLAS E. ASHFORD. (Princeton: Princeton University Press, 1961. Pp. xi, 432. $8.50.)

This is the first detailed study of the internal politics of the newly born state of Morocco written by an American scholar. Dr. Ashford, who is intimately acquainted with the people and the leaders of the country, writes not only from published source material, but also from his own personal experiences. His study may well be regarded as a model for comparable works on other North African countries.

The author's aim, as set forth in the introductory chapter, is to describe and analyze the structure of national politics, the modes of political expression and participation of the people, and the forces acting on the working of political institutions. As an introduction for his study, the author begins by tracing the origins of nationalism and the establishment of the present regime. It seems to the present reviewer that here is where Ashford's treatment of the movement is not quite clear. He is right in stating that Moroccan nationalists (and this is true of all North African nationalists, including Egypt) sought the support of religious movements, Pan-Islamism in particular. Ashford, however, vaguely indicated that this was because nationalism in North Africa emerged as a reaction to Christian powers, not against the domination of a Muslim power (the Ottoman Empire) as in the case of the Eastern Arab World, and therefore sought the support of religious groupings not favorable to Christian domination.

The author's detailed study of the structure and operation of the party system, the Istiqlal (independence) Party in particular, constitutes a real contribution to our knowledge of North African politics. However, Ashford seems to rely in his treatment of this subject largely on French rather than on native Arabic sources. He also followed the French transliteration system rather than that accepted by Arabists. These remarks are of small significance regarding a thorough study which may confidently be recommended as a reliable guide.—MAJID KHADDURI, *Johns Hopkins University.*

Congo Disaster. BY COLIN LEGUM. (Baltimore: Penguin Books, 1961. Pp. 174. 85¢.)

Knowing Colin Legum's professional background—he is a journalist who has spent most of his adult life in and writing about Africa—makes the strengths and weaknesses of his book more understandable. Though it is filled with sharp observations and keen insights, it lacks the organization and analysis which one expects from a trained political scientist.

The thesis of the book is, "The roots of the Congo's tragedy go deep; they belong perhaps, more to the past than to the present." Though Legum does not conceptualize these roots in terms of stylistic and communicative influences upon Congo nationalism, I believe that his material is best viewed in this way.

The *style* of Congo nationalism has its roots in the brutality of the rule of King Leopold II, 1884–1908, and in the benevolent paternalism of the following Belgian colonial period. Discussing such acts as cutting off laborers' hands or feet for not fulfilling work quotas, Legum writes, "Here was his worst crime; Leopold had replaced the natives' fear of the slaver with a fear of the white man." Legum does not make the explicit connection, but one can see echoes of this fear when later in the book he reports that during the 1959 Leopoldville riots "for the first time hatred of whites came into the open" and during the chaotic days following independence "raping of women was often accompanied by acts intended to *humiliate* them. Ill-treatment of men was usually calculated to *degrade* them." (Emphasis supplied.)

A policy of physical welfare for the Congolese was the manifestation of Belgian benevolent paternalism. Food, clothing, housing, and medical care were provided for most workers; elementary and religious education, technical training, and agricultural reforms were widespread. On the other hand, there were few intellectual or emotional satisfactions derived from the Belgian world. Speech, press, and association were restricted. Few students were allowed to attend secondary school and until 1952 none were allowed to attend a university. It was virtually impossible for a Congolese to attain a position of importance within the ruling power triumvirate of the Belgian Colonial Administration, Big Business, and the Catholic Church. In the social sphere the "superior" whites and the "inferior" blacks were kept apart. The assumption upon which this benevolent paternalism rested was that it would create a politically content, vocationally efficient, and spiritually saved population. This was, of course, a misunderstanding of the nature of man.

Legum suggests that the result of this policy was a population inexperienced and therefore unprepared for power. To this I would add that they had not experienced that transformation of the self which comes from being exposed to modern intellectual culture; also, their bases of judgment were too little dependent upon internal mechanisms and too much upon external authority.

I believe that one can, from Legum's material, perceive a *communicative* influence upon Congo nationalism. First there was isolation which was a corollary of benevolent paternalism; second there were contacts, for which there were increasing opportunities during and after the Second World War. The emergent Congo elites were isolated from each other because of the distances between the country's urban centers and because of colonial restrictions. They were isolated from the Belgians because of class differences and paternalistic and racial attitudes. And they were isolated from the outside world, physically because of administrative and financial restrictions, intellectually because of educational deficiencies.

One can also view the developments in Congo nationalism in terms of increasing contacts. The broadened perspectives gained from service in the war (in South Asia, the Middle East, and North Africa) were in large part responsible for the proliferation of associations from 1946 through 1950. During the 1950–1955 period "the circles of the elite began to voice demands for social, economic, and political reforms." I would maintain that this behavior was essentially pre-national and pre-political, the result of associational contacts. The push "towards open political activities" took place from 1955 through 1958. This politicization may be traced to a change in the Belgian Government which led to the projection of metropolitan politics upon the colony, and to Professor van Bilsen's widely disseminated "radical" publication, *Vers l'Indépendance du Congo et du Ruanda-Urundi.* Three events took place during 1958 which sped the pace of the Congo's rush to independence: DeGaulle gave a speech in Brazzaville offering the French Congo autonomy or independence; Congolese leaders were invited to the Brussels Exhibition, providing many with a first opportunity to meet their confreres; and the First Pan-African Conference was held in Accra, three Congo leaders attending.

At the January–February 1960 Round Table Conference in Brussels called to discuss the future of the Congo, the Belgian Government surprised almost everyone—including the Congo representatives—by granting independence as of June 30. Legum suggests two reasons for this abandonment, certainly a significant part of the Congo's history. First, the Belgians "completely misjudged the speed of events, and the extent to which it was necessary to make concessions." Second, the former "blue chip" colony had become a financial burden to the Belgians because of the 1956 drop in world commodity prices.

The final chapters of *Congo Disaster* are devoted to internal and international politics during the first months of independence. Legum believes that the "crux" of the country's internal politics is the division between the centralists and the federalists. Lumumba, former leader of the centralist faction, is described as inexperienced, opportunistic out of political desperation, and "inflexible only on one important issue: the need for a strong central government." An interesting speculation is offered about Kasavubu, who since publication has switched from federalist to centralist: his "passionate Bakongo patriotism might perhaps be his way of compensating for not being pure Bakongo himself. His grandfather was a Chinese labourer." About the United Nations, Legum writes, "If there is neither chaos nor anarchy today, it is solely due to the UN operations." He is most critical of the U.N.'s failure to restore unity in the country and its impartiality towards legal and rebel governments. Presumably Legum hailed the motives behind the U.N.'s recent military effort in the Katanga but suffered during its unfolding.—WILLIAM HANNA, *Michigan State University.*

The Political Kingdom in Uganda. BY DAVID E. APTER. (Princeton: Princeton University Press, 1961. Pp. 498. $10.00.)

This work is a highly sophisticated presentation representing a successful blending of accurate historical description, political insight and contemporary sociological theory. Professor Apter approaches his subject from the broad perspective of his previous work on the Gold Coast; as a student of comparative political institutions in Africa he has few peers. Within an over-all historical context he lays bare the intertwining forces that have shaped Buganda's emergence into a restless mid-twentieth century Africa. The mass of data in this study makes it valuable as a reference work. The footnotes provide an extremely valuable source of bibliographic materials and are readable and perceptive adjuncts to the main text. Among the increasing number of American political scientists seriously studying Africa David Apter emerges as one of the few original thinkers.—EUGENE P. DVORIN, *Los Angeles State College.*

Contemporary Arab Politics: A Concise History. BY GEORGE E. KIRK. (New York: Frederick A. Praeger, Inc., 1961. Pp. 231. $1.95.)

George Kirk's new book shares many attributes of his previous writings: it is written in swift-flowing prose, it is never dull, and it attests to the author's mastery of the subject. Both internal and international aspects of the current revolution in the Arab East are treated. Professor Kirk, an established authority on the area and a man known for his outspokenness, presents in this volume his views, his preferences, and his dislikes even more forcefully than usual. The book begins with the discussion of the Arab "Myth of the Fourteenth Century," which, as the author regretfully notes, has repudiated its early liberalism and has instead espoused narrow nationalist radicalism and a megalomania apt to distort facts and values. In the author's eyes this new brand of nationalism, best exemplified by Nasser of Egypt, is destructive and negative. But, according to him, "it was the impatient Zionists, limited in their vision, who played a large part in wrecking the chances for keeping post-war Middle Eastern nationalism at a relatively moderate level." Thus the Palestine war of 1948 constituted a "great divide" of contemporary Middle Eastern history. The "Seven Pillars" of the British-conceived conservatism and stability in the Middle East were irrevocably sapped and the world was exposed to a chain reaction of events, each more catastrophic than its predecessor.

The United States, according to Kirk, bears no small part of the blame for these misfortunes because of its "irresponsibility and sheer ignorance," its courting of Zionism, and above everything, its refusal to stand loyally by Britain on such issues as the Buraimi dispute and the Suez crisis. The author devotes the whole of a chapter to the latter, terming it appropriately, "The Great Divorce." Supporting his argument with copious quotations from Anthony Eden's memoirs, he does not conceal his dismay at the way Secretary Dulles did his utmost first to mislead and then to cajole the British into a virtual surrender to Nasser.

Mr. Kirk is emphatic in his indictment of Nasserism. With a penchant for pithy (and sometimes prophetic) statements, he describes the Cairo-Damascus union as "the smothering of Syria" and follows it by an eloquent account of Egyptian-sponsored subversion in Jordan, Lebanon, and Iraq. Although he avoids the all-too-frequent oversimplification of equating Nasserism with Communism, he points out how in many instances the policies of the Cairo-influenced Pan-Arabists ran parallel to those of the Communists, both trying to upset the conservative and pro-Western regimes in the area.

Although the principal "devils" in the Middle Eastern political game are, according to the author, the Zionists, the Nasserists, and the confused-plus-perfidious Americans, he has hardly any kind words to say about the British liberals and Labourites (except, perhaps, Ernest Bevin) whose "progressive irresponsibility" and "half-informed emotionalism" have also contributed to the weakening, if not a collapse, of British supremacy in the Arab East.

To conclude: this is a highly informative, well written, and well documented book by an author who has a discerning eye for what is politically relevant and interesting. But it is at the same time a strong and bitter indictment of men and policies responsible for what the author believes to be the present sad plight of the Middle East and its unpromising future.—GEORGE LENCZOWSKI, *University of California* (Berkeley).

History of the Islamic Peoples. BY CARL BROCKELMANN. Translated by Joel Carmichael and Moshe Perlmann. (New York: G. P. Putnam's Sons, 1960. Pp. v, 582. $1.95.)

Professor Brockelmann's Syriac dictionary and his work in Semitic comparative grammar and comparative Arabic literature made him one of Germany's foremost Semitic (particularly Arabic) scholars. Many were surprised at his writing of a history of the Islamic peoples, not only because of his background, but also because of its late occurrence.

The author has attempted what is essentially a political history of the Islamic peoples from their beginning until 1939. This is not an easy task, for the history of Islam suffers from a lack of original and critical data. More important, this history unfolded so rapidly and over such a wide and heterogeneous area as to appear to be not one but many parallel histories connected by the one tenuous link of a common religion. For the most part Professor Brockelmann has overcome these difficulties and in so doing has given the contemporary reader an excellent one-volume account of the political history of the major Islamic peoples.

The book is divided into five sections. The first opens with a brief chapter dealing with the Arabian Peninsula prior to the rise of Islam, followed by a chapter on the life of Muhammad. Chapter 3 attempts a summary of the tenets of Islam. Part I continues with the founding and expansion of the Islamic Empire, the rise and fall of the Umayyad Caliphate, the origin of the Shi'ha, and the founding of the Abbasid Caliphate. Part II describes the Abbasid Caliphate, its decay, and the rise of the numerous and ephemeral dynasties throughout the empire. Following this is a chapter dealing with the origins of the Turks and Persians. Chapter 4 deals with Islam in North Africa, and its revitalization in Spain under the Umayyads and Almohads. The remaining two chapters deal with the Crusades, the rise of the Mamluks in Egypt, and the Mongol invasions. The third section of the book deals with the rise and decay of the Ottoman Empire to the end of the eighteenth century. There is also a short chapter on the origin and decline of the Persian Empire. Part IV concerns Islam in the nineteenth century and thus is primarily taken up with the decay of the Ottoman position in Egypt and North Africa. The last chapter of this section takes up Persia from the late eighteenth century through World War I. The last section of the book examines Turkey, Egypt, the Fertile Crescent, the Arabian Peninsula, Persia and Afghanistan following the war and through the 1930's. Professor Perlmann has added a supplementary review of events for the period 1939–1947. This is followed by a chronological table and an index.

The *History of the Islamic Peoples*, rather than being an original contribution to the field, is a summary of the available literature. The translators have added footnotes indicating more recent sources. The arts and sciences are given scant coverage in this volume. When they are discussed it appears to be on an almost ad hoc basis. The maps in this edition are quite poor. A major but perhaps inevitable criticism of Professor Brockelmann's work is that at times it shifts from person, to battle, to tribe, to dynasty, to location, to year with such rapidity as to render the period unintelligible to the non-specialist. This is most evident in those chapters dealing with the Abassid Caliphate and its dissolution. There are a number of other minor criticisms that might be made —*e.g.*, geographical errors, inconsistencies, and the often stilted English of the translators,—but despite these and other criticisms this volume offers the general reader a sound and complete account of a most difficult history.—JOHN A. FITZGERALD, *Whitman College.*

Storm Over Laos—A Contemporary History. BY SISOUK NA CHAMPASSAK. (New York: Frederick A. Praeger, Inc., 1961. Pp. x, 202. $5.00.)

Considering the paltry amount of information available on Laos, Prince Sisouk's thin volume should be a welcome addition to the bibliography of the average student of Southeast Asian affairs. The specialist, on the other hand, who will try to find in *Storm Over Laos* a rational explanation of the horrible mess which at present prevails in that remote corner of the world, will unfortunately have to look elsewhere, for the present book gives no sources, deals only in generalizations, cites only facts (many of them dubious) which already have been reported in the world press, and does not even have an index or a bibliography. It is little else but a plea *pro domo* for the official viewpoint of the Laotian regime of Prince Boun Oum and of pro-American strongman Gen. Phoumi Nosavan.

And it could not have been otherwise, since the author is a noble relative of Prince Boun Oum Na Champassak and for the past two years the United Nations delegate of his country. The book thus represents a more or less official viewpoint—and that is what makes its reading worthwhile after all. Another interesting aspect of the book is a comparison with its French edition *Tempête Sur Le Laos*, an operation that in many political books seems to become increasingly necessary if one does not wish to fall victim to brainwashing by deliberate mistranslation.* The French edition is dedicated to the author's family and to "a neutral and independent Laos," *i.e.*, along the policy lines dear to the *Quai d'Orsay.* The United States edition is dedicated to the above *plus* the late Dr. Tom Dooley!—a sure-fire "tear-jerker" item probably included to counter-balance whatever upsetting effect the word "neutrality" may have had. Other changes may have been due to accidental mistranslations [*e.g.*, the French *métropole* (homeland) into "capital" on p. 26], but it can be said in all fairness that the French text has a slightly less americanophile flavor to it than the U.S. edition, while the latter, conversely, manages to be slightly more critical of the French.

The best parts of the book are those in which the author gives the reader the benefit of his own personal experience, such as his voyage to Red China as part of a Lao government delegation or while acting in a ministerial capacity in Vientiane during the 1959 crisis; or those in which the author quite involuntarily gives us the views of a lowland Laotian on his own compatriots from the jungle hills. Yet even those parts, if read without any background knowledge of what went on, will do little but confuse the issues involved. For example, the 1956 trip of then Premier Souvanna Phouma to Red China is described in a series of little anecdotes in which not one cliché on the (admittedly) Big Bad Chinese Wolf is missing—including the assertion that it was to the Lao delegation that Peng Te-Huai had declared that China could afford to lose 400 million people in a nuclear war. Nowhere, however, does Sisouk mention what *real* and unique victories the trip to Peking had achieved: temporary isolation of the *Pathet-Lao* from their Communist backers and a formal, written, assurance that Red China had no objection to the two French bases in Laos permitted under the 1954 Geneva Agreements—the only case on record in which Peking subscribed to the existence of Western bases in its backyard. Considering the situation in Laos then and what is likely to be achieved by the West at Geneva now on the same subject, one could have rightfully rejoiced at those well-earned fruits of Lao diplomacy. But as Sisouk quite forthrightly notes, Washington was distinctly unhappy with that turn of events and expressed its unhappiness in a statement which, "reaching Vientiane in the midst of her rejoicing, [. . .] created the worst possible effect for the U.S., one of selfish ill-temper."

Sisouk also does not hesitate to speak, although in most general terms, of the shameless squandering of American aid which "reached such proportions that the Pathet-Lao needed no propaganda to turn the rural population against the townspeople." This is *one* clue to what went wrong in Laos. Another clue is given a few pages later, again unintentionally, when Sisouk describes the ethnic composition of the Pathet-Lao troops: "a strange mixture of Thai, Meo, Kha, and a minority of Lao . . . they compensated for their disparate dialects and customs with an iron discipline and an absolute faith in their leaders." To Sisouk, a lowland Lao from the deep south of his country, his own countrymen from the hills were "a strange mixture;" he describes the proto-Malay tribesmen who make up nearly one-half of his country's population and, in any case, occupy two-thirds of its land, as *Kha*—the pejorative lowland Lao term meaning "slave."

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* A typical example of this is the recent translation of the French anthropologist and Algeria expert Germaine Tillon's book *France and Algeria: Complementary Enemies*, in which "*partage de l'Algérie*" (the partitioning of Algeria) is being rendered as "the segregation (!) of the Algerians."

Between the "city-country gap" and the "lowland-upland gap" lie 90 per cent of the causes of why both the Vientiane government and its American backers never quite came to grips with what made Laos "go Communist" right under their own feet. Theoretical Marxism had nothing to do with Communist penetration in Laos. By completely ignoring the mountaineers until a forlorn attempt was made as of May 1961 (when all else had failed) to set up Meo-U.S. guerrilla *maquis* behind Pathet-Lao lines, we simply delivered Laos to the Communists on a silver platter. This Sisouk does not say—because he does not understand it himself and because, as a lowland Lao, he is committed to the predominance of his ethnic group even if it means losing all that is strategically worthwhile in Laos (the mountain areas) while holding on to what is militarily useless (the Mekong valley).

Once this essential gap in the author's thinking is clearly understood, all else becomes perfectly clear—including the author's and the United States' misreading of the non-proven "invasion" of 1959 and the complete botching of policies in Laos in 1960–62. Since the mountaineers counted for naught in Washington's policy calculations, their military effect was blithely discounted; thus, when the Laotian Army was almost hacked to pieces in a series of swift guerilla operations, the only sane explanation seemed to be a "foreign invasion" . . . *quod eram demonstrandum.* The failure on the part of the Laotians to prove that invasion even to a U.N. commission that was pro-Western slanted (Italy, Argentina, Japan and Tunisia) leaves Sisouk with a tough propaganda nut to crack: after announcing fantastic totals of North Vietnamese prisoners as proof of invasion, the number of those prisoners, like the proverbial little Indians or the alleged Communists in a certain Government department, diminished steadily. In fact there were none at all. Undaunted, Sisouk explains this by stating that the Lao soldiers usually "liquidated" the Viet-Minh whom they had captured. This is one case of Oriental face-saving in which a Free World government rather admits to a war crime than to a fib. Coming from a high Lao official, it is surprising that the Communists have not yet made propaganda hay out of the whole affair.

Thus, Prince Sisouk's book, while valuable at short range, cannot be considered a contemporary history in the strict sense of the term; but as a modest contribution to contemporary history it should not be overlooked altogether.—BERNARD B. FALL, *Howard University.*

A Comparative Study of the Indian Constitution, Volume One: General Principles of Organization. BY SIRDAR D. K. SEN. (Calcutta: Orient Longmans. 1960. Pp. xxiii, 382. $7.50.)

Sirdar Sen, in his study of the Indian Constitution, has endeavored to set forth the basic principles which underlie this complex and lengthy document and then to examine them in the light of the constitutional laws and practices of other states. He has served both as a teacher and a practitioner of the law, the latter experience being largely for the rulers of several of the Indian princely states before independence. What Mr. Sen has produced is a most curious volume, marked by evidences of considerable scholarship, but often sterile in character, laboring long yet adding little to our knowledge of Indian constitutionalism.

The works of some scholars in the newly independent nations are at times colored by chauvinistic considerations. Not so that of Mr. Sen. With a remarkable display of impartiality he has chosen virtually to ignore the very considerable body of existing commentary on the Indian Constitution by both Indian and Western scholars. Ivor Jennings is refuted on four brief occasions, Das Basu is dismissed in two minor notes, and the writings of Alexandrowicz, Gledhill, Pylee, etc. are mentioned neither in the text nor the bibliography. We are also left without any understanding of whether he has consulted the major documentary sources on Indian constitutionalism, such as the Constituent Assembly debates and committee reports. Nor is there any evidence that he has sought out the writings of the more important founding fathers.

His failure to consult this considerable body of literature is reflected in his treatment of center-state relations, a major theme which runs through this volume on general principles of organization. Sen's contention that India is "not only a federation but also a decentralised unitary State" is in sharp contrast to the generally accepted interpretations in this regard, and the evidence he offers in support of his view is weak.

Sen takes Ivor Jennings to task for making "*ex cathedra* observations," yet on the very next page we find: "There has so far been no occasion on which the Government of the Republic have had to take any important decision in connection with the working of the Constitution." Presumably such actions as the amendment of Article 31, the Union Government's decision to invoke President's Rule in Kerala where the existing State Government still controlled a majority in the State Legislature, and the creation of the Planning Commission and the National Development Council are minor matters, since their implications for Indian constitutionalism receive little or no comment in Sirdar Sen's work.

His estimation of the extent to which the Indian princely states exercised sovereign powers, and his judgment that with the transfer of power India ceased to exist in international law and her place was taken by the two new Dominions of India and Pakistan, are contentions which will be strongly disputed by scholars.

In summary, Sirdar Sen has given us a most disappointing volume which adds little to our knowledge of Indian constitutionalism.—RALPH H. RETZLAFF, *University of California* (Berkeley)

Modern Swedish Government. BY NILS ANDRÉN. (Stockholm: Haeggström, 1961. Pp. 252. Paperback: 15 Sw.kr.; bound: 19.50 Sw.kr.)

Danmarks Folketing: om dets hus og historie. BY SVEND THORSEN. (Copenhagen: Schultz, 1961. Pp. 189. 65 D.kr.)

Stortinget på naert hold. BY PER ØISANG. (Oslo: Fabritius, 1961. Pp. 56. 7.50 N.kr.)

Modern Swedish Government is a textbook well-described by its title. The qualification of modernity means that there is little emphasis on historical development. Consistently with the title, no comprehensive exposition of local government is attempted. As an introduction to the contemporary national government of Sweden, then, the following topics are treated: political parties, the electoral system, the legislature, the executive, administrative organs, and legislative-executive relations. The courts are mentioned only in passing.

The most recent of the English-language multination surveys of Scandinavian government and politics are now at least ten years old. These surveys are Arneson, *The Democratic Monarchies of Scandinavia* (1949), Scott, *The United States and Scandinavia* (1950), and the Royal Institute of International Affairs' *The Scandinavian States and Finland* (1951). (In the Selected Bibliography to Andrén's book, the first of these is incorrectly dated and the latter two are not included.) The availability of more up-to-date works on Sweden —Gunnar Heckscher, Elis Håstad, Dankwart Rustow and Douglas Verney have also published in English—may result in disproportionate attention being paid that country. However, it would be unkind to complain of the addition of this good general text on Swedish political institutions. Dr. Andrén is on the political science faculty at Stockholm University.

Denmark and Norway are underdeveloped lands in their own languages as well, as far as the literature of government and politics is concerned. Nor have the books here under review remedied that situation. The title of Thorsen's book, "Denmark's Parliament," might lead one to hope the contrary, but the sub-title, "its house and history," is language of strict limitation. *Danmarks Folketing* is concerned with the buildings in which the Danish parliament has met. There are 80 pages of pictures. Many discursive details of parliamentary life are incidentally included. Per Øisang has written a handbook on the Norwegian parliament, meant to serve as a guide to those who visit the *Storting.* The basic information contained in this booklet is of interest to political scientists.

Øisang and Thorsen are journalists, and should hardly be blamed for not having written as political scientists. Each has done well what he set out to do. But the studies on Denmark and Norway comparable to those on Sweden have yet to be written—in any language.—STANLEY V. ANDERSON, *University of California,* (Santa Barbara).

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INTERNATIONAL POLITICS, LAW, AND ORGANIZATION

Europe's Needs and Resources. By J. Frederic Dewhurst, John O. Coppock, P. Lamartine Yates and Associates. (New York: Twentieth Century Fund, 1961. Pp. xxvi, 1198. $12.00.)

This massive volume of double-columned material represents five years of study, by a staff headquartered at Geneva, of the economic life and related activities of eighteen countries of Western Europe and their projected development to 1970. The area corresponds to that of the O. E. C. D. including Finland and excluding Turkey.

The format of the present volume generally corresponds to that of Dewhurst's 1947 and 1955 studies of *America's Needs and Resources* (also for the Twentieth Century Fund) and like the earlier studies represents a considerable contribution to social scientists, members of the business community and the informed public. Probably no other single and conveniently arranged source exists covering this area so thoroughly. Even if one happens to have such relatively specialized interests as the number of tractors per thousand hectares of Ireland's agricultural land or what proportion of the fish marketed for human consumption in Iceland is (deliberately) frozen, this is the place where he can be satisfied.

"Resources" include both human (population, manpower and education) and physical (land, agricultural, forest, ocean, energy, mineral . . .) "Needs" are taken—at least at an articulate level—in the non-normative sense of what people actually choose to consume. This explicitly excludes the question of what they "ought to consume in terms of their physiological, mental or spiritual requirements." However, it does not seem to be the case that concern for human physiological needs in the normative sense is absent. It is unlikely that the principal authors' enthusiasm for a more responsible and restrained capitalism, their approval of a trend away from sharp differences in distribution of income and services, etc., represents only the traditional economic desire to maximize productive levels and to attain the most efficient economic distribution. Rather it suggests more than this: the desire to satisfy basic and minimal human wants. In other words, I am not certain that the definition of "needs" in non-normative terms really represents the authors' basic position, especially as the earlier study of America's economy was based explicitly on a normative definition of "needs." This, of course, is not a crucial objection, but the 1955 formulation does seem more accurate.

The analysis of these needs and resources is designed primarily in terms of the eighteen states taken as an economic entity rather than in terms of the various component national economies. This approach seems justified in terms of the emerging economic integration of the area and the importance of trans-national regional similarities and problems. This integrated or international approach, and the vast scope of the volume, prevent it from being (nor is it intended to be) a substitute for the more intensive studies existing of several of the national economies. However, through judicious use of the index and lists of tables and charts a good picture of the various national economies is obtainable.

The projections made to 1970 from the base year 1955 (=100) indicate the population will stand at 108.4, output per worker hour 149.4, total G. N. P. 154.8, and the per capita G. N. P. 142.8. The projections are accompanied by the usual hedges and disclaimers, but even so the awe of the reader is aroused when the forecasts are made concerning a politically complex area in which several of the larger elements are unstable politically. Be that as it may, the projections convey the general confidence in the area's economic structure which permeates the study. This confidence rests on the principal authors' evaluation of certain fundamental trends which they discern in the socio-economic structure of the area, the weakening of economic stratification, the growth of "managerial capitalism," a more favorable attitude towards economic competition, the economic integration of the area, etc. This confidence is, in the words of August Heckscher's foreword, the "chief message to be drawn from this book."

The project is marked by an admirable breadth. Few economic surveys have devoted such attention to political and social developments. In execution, however, the consideration given these non-economic matters falls somewhat short of the mark. For the specialist at least, much of this could be excluded without significant loss and certainly one could wish for a more compact study. However, this stricture probably represents a parochial interest and is not meant to detract from what is a splendid accomplishment.—WILLIAM A. RITCHIE, *University of Delaware.*

The International Status of the United Nations. BY GUENTER WEISSBERG. (New York: Oceana Publications, and London: Stevens and Sons Ltd., 1961. Pp. xii, 228. $7.50.)

That the United Nations is in some sense and to some degree an international legal personality will strike most readers as neither a surprising nor a controversial proposition. The contribution of Weissberg's book is to provide a meticulously documented account of "the foundation, connotation and development of this characteristic." The author describes the breaking down of the dogma that states alone can be subjects of international law, and examines the status which international organizations have gradually acquired within the international legal system, with particular emphasis upon the position of the United Nations. Beginning with an analysis of the provisions and implications of the Charter, he then devotes chapters to the treaty-making capability of the United Nations, the organization's operative role in the Korean and Suez cases, the privileges and immunities of the United Nations, and its capacity to espouse international claims.

Within this framework, Weissberg ably mobilizes the scattered evidence that international agencies, and most notably the United Nations, have come to share with states many of the attributes of international legal entities. He is aware that the status of international organizations is not identical with that of states, and that the former have a relatively limited claim to subjecthood in the international legal system. Nevertheless, he contends that international organizations are sufficiently endowed with the basic characteristic of international personality, "the ability to undertake international legal relations," to justify the International Court of Justice in regarding them as states for the purposes of Article 34 (1) of its statute. That is to say, his reaction to the regrettable provision that only states may be parties in cases before the Court is to suggest revision by judicial expansion of the concept of the state rather than by formal amendment.

The author clearly regards the international legal personality of the United Nations as something more than the sum of the manifestations of status and competence to which he draws attention. He considers that personality as the basis for creative potential—the foundation upon which an increasingly significant institutional structure can be erected. In this sense, Weissberg goes beyond legal analysis to the consideration of political potentiality.

In general, however, the book exhibits the limitations of the "purely legal" approach; it largely neglects the considerable part of reality which is customarily described as political. The author serves us well by demonstrating that the United Nations is "somebody" in the legal sense. He contributes little to our understanding of "who," in the political sense, that new-style "somebody" is now, or may become. Legal analysis is a useful tool for establishing the fact that the United Nations has an identity of its own. The more fascinating and important task of the *identification* of the United Nations evidently demands an analytical approach of a different order.—INIS L. CLAUDE, *University of Michigan.*

Financing International Organization: The United Nations Budget Process. BY J. DAVID SINGER. (The Hague: Martinus Nijhoff, 1961. Pp. xvi, 185. 14.50 guilders.)

A major cause of the breakdown of the American Confederation was its inability to raise by assessments the money needed to pay its obligations. As a result the Confederation had to borrow to keep going, and its credit soon reached the vanishing point. The Federal Constitution met this difficulty by giving the new government direct power of taxation. The League of Nations had a somewhat similar financial problem, though it was not comparable in degree. Most of the members paid their dues fairly promptly, and the working capital funds the League built up were usually sufficient to take care of the arrears in dues. But the unwillingness of its members to pay from their own treasuries a fair share of the reasonable cost of adequate international cooperation was always a serious handicap to the League's work.

This being the case, a book describing the United Nations Budget process is important, for it enables us to compare the present situation with past difficulties. Mr. Singer's book discusses in detail how the financial problems were handled in writing the Charter and setting up the Organization, and then traces the process by which the Budget is formed—the departmental planning in the Secretariat (based on policy decisions in the other U. N. organs); the coordination, consolidation, and cutting by the Secretary General and his financial officers; further cutting by the Advisory Committee (which roughly corresponds to our Appropriations Committee in Congress); and consideration by the Fifth Committee of the General Assembly. There are also chapters on how the revenues are raised, and the actual execution of the Budget and the auditing procedures.

As Mr. Singer says, the book is a reference work as well as a discussion of U. N. Budget procedures. Considering the subject matter, it is surprisingly readable, perhaps largely because the author does not hesitate to bring out the political considerations which frequently influence the actions of the delegates. The Communists always try to cut the Budget substantially. The members of the Advisory Committee are supposed to be financial experts appointed in their individual capacities, but in practice they often act merely to protect their countries' immediate interests. Mr. Singer gives the impression that he thinks most of the delegates in the Fifth Committee are much more interested in cutting a half cent per capita off their assessments than they are in seeing that the U. N. as a whole does a good job. And this despite the fact that the United States' annual assessment is about 12 cents per capita, the Soviet Union's about 4 cents, and India's under half a cent. (U. S. per capita military expenditures are over $235.)

This reviewer would have liked a few changes. He wishes the author had given more definite information on the League of Nations experience; there are several tantalizing references without any of the details. Mr. Singer emphasizes how much the Fifth Committee tends to cut the Budget presented by the Secretary General and the Advisory Committee, but he does not explain how it happens that in thirteen years out of sixteen the General Assembly has appropriated more money than the Advisory Committee recommended. Possibly this is due to some supplementary expenditures getting into the regular Budget between the time of the Advisory Committee Report and the final passage of the Budget by the General Assembly. Lastly, there might have been some discussion of how special funds or voluntary contributions (such as the Congo, the Emergency Force, or technical assistance) fit into the Budget, and how the decision is made whether an item is to be part of the regular Budget or of some special fund.

However, despite these criticisms, Mr. Singer has done a good job, and the student of international organization is greatly indebted to him for this study.—CHASE KIMBALL, *Suffolk University*.

A Forward Strategy for America. BY ROBERT STRAUSZ-HUPE, WILLIAM R. KINTNER, AND STEFAN T. POSSONY. (New York: Harper & Brothers, 1961. Pp. xii, 450. $5.95.)

This is a "prescriptive treatment of the problems posed" in the authors' 1959 analysis of communist strategy, *Protracted Conflict.* It starts from the same premises, that "the United States and the Free World have steadily lost ground in the international struggle with communism . . . and that the struggle hangs in the balance." Since it covers a broad range of our foreign policy problems (though not the "full" range as claimed by the authors in the preface), the study is essentially a synthesis with prefatory credit given to important contributions. The result is a complex, coordinated though somewhat unbalanced survey of factors and problems in foreign policy making and implementation. The range is indicated by the titles of chapters 3 through 11: Building the Free World; The Technological Factor; Military Strategy, Power and Policy; Economic Framework of Strategy; Diplomatic Arm of Strategy; Psychological Operations; Security Through Arms Control?; Strategy of Ways and Means; and Structure for Strategy.

Within their frame of reference the authors have done a job which will be hailed by many in superlatives. However, their view of the world situation as a "systemic (sic) revolution" complicated primarily by an irreconcilable Communist *vs.* Free World conflict is an inadequate statement of our country's strategic problem today. Were the situation as simple as that, the authors' prescription could be applied, and free man would be saved.

> "Three distinct but related strategic tasks confront the United States: (1) to seek a more effective partnership with those nations in Europe and elsewhere who share its political values and cultural heritage; (2) to find a new basis for mutual respect and cooperation with nations of Asia, the Middle East, Africa and Latin America; and (3) to frustrate communist plans to establish the emerging world order in the image of communist society . . . *the success of the first two tasks requires the successful conduct of the third* . . ." (italics supplied).

But doesn't the achievement of the third require the successful achievement of the first two? In the authors' view the prevention of communist expansion comes first and whatever helps to achieve it must be done even if it interferes with achievement of the others. However, the actual strategic problem facing the country is much more complicated, since a variety of goals in addition to stopping communist expansion must be pursued simultaneously.

The fundamental value of the book, and it is fundamentally valuable, lies in the studies of the separate factors and aspects of national strategy. To be sure, the authors' offering of the federative principle and freedom of the individual, as the two universally applicable principles on which to organize the free world, is wishful in the face of actual institutional systems in the world and in the light of social value systems in which status interrelationships rather than individualism provide man's anchor. But there is desperate need for "Building the Free World" into a more viable, mutually integrated human system. This is necessary, and not only to beat the Communists.—H. ROWLAND LUDDEN, *George Washington University.*

Strategic Intelligence and the Shape of Tomorrow. BY WILLIAM M. MCGOVERN. (Chicago: Henry Regnery Co., 1961. Pp. vi., 191. $4.00.)

In the September 1961 issue of this REVIEW, Robert McCloskey wrote, "Publishers these days are increasingly prone to ornament books with titles more cosmic than their contents." The McCloskey Principle of Titular Inflation applies to this book. Instead of a rigorous analysis of the requirements or the problems of contemporary intelligence, the reader is given a smorgasbord of miscellaneous facts and unsupported opinions—all very interesting, but not very edifying to the serious student. The informal style, with its sweeping generalizations and its constant use of the first person singular, evokes the image of the expert-returned-home who offers impromptu observations to an admiring audience.

At the outset, to be sure, one gains quite the opposite impression. The dust jacket announces a Do-It-Yourself CIA Kit: "To determine how any country will react in a given set of circumstances, it is only necessary to understand: first, the nation itself; and second, its relationships with other countries. When evaluating the individual nation, the three important areas to consider are its economics, ethnology, and ideology. Dr. McGovern explores each area, and enumerates the salient characteristics to be observed."

Accordingly, Part I of the book is entitled "Strategic Intelligence," and its chapters deal respectively with secret, economic, ethnological and ideological intelligence. These chapters, which form the main body of the book, indicate the wide range of data relevant to the intelligence enterprise. They are spiced with innumerable tidbits of information gleaned in the course of an active life (McGovern spent many years abroad, and served as intelligence officer for the Joint Chiefs of Staff in World War II, before joining the faculty of Northwestern University). Surely every reader will learn *something* here that he had not known before: about the Nazi attempt to cut off the United States' supply of bauxite in 1942, for example; the unheeded warning sent by Allen Dulles, from Switzerland, presaging the Battle of the Bulge; China's economic dependence on Southeast Asia; the love not lost between Northern and Southern Italians; the similarities and differences among certain languages; the place where the world's worst-tasting beverage is brewed; numerous occasions in which the author's predictions were borne out by events. One can learn all this and much, much more. But it adds up to a fireside chat on One Hundred and One Interesting Things to Know, not a systematic treatise on the making of estimates. Nor is there any analysis of the present state of our intelligence system.

In addition to assorted facts, the McGovern smorgasbord offers a potpourri of conclusions and speculations which the reader may take or leave. Thus: "The same amount of drink which would put the average Japanese under the table would scarcely make the average Chinese merry. Again I do not know the reason for this fact. Possibly it has something to do with the small stature of the Japanese (p. 84). . . . Speaking in general terms, we may say that the Asiatic nationalist is four or five times as fanatical as the ordinary European nationalist (p. 116). . . . I do not believe that Nehru wishes to see the United States completely destroyed, but he would thoroughly enjoy the spectacle of our losing a great deal of prestige. If I may be permitted to use a rather vulgar phrase, I would say that he would be delighted to see us soundly kicked in the rear end—especially if some Asiatic people, such as the Chinese, were to do the kicking (p. 129). . . .

The only reason that Sukarno does not definitely place his country in the Communist camp is that many of the officers of the Indonesian army are opposed to such a step (p. 156). . . . For various reasons which I cannot go into here, the National Security Council has never performed as well as had been hoped. I sincerely trust that in the next few years the National Security Council will be permitted and required to function more effectively (p. 169)."

Part II, "The Shape of Tomorrow," does not represent a disciplined, systematic application of the principles of Part I. Given the casual nature of Part I, this is hardly surprising. But the book may be satisfactory to the Foundation for Foreign Affairs, which sponsored it in the interest of "public information and debate." Undoubtedly one finds here a great deal of information as well as many topics for debate.—GORDON L. SHULL, *College of Wooster.*

Military Policy and Economic Aid: The Korean Case, 1950–1953. BY GENE M. LYONS. (Columbus: Ohio State University Press, 1961. Pp. 298. $4.50.)

A year or so ago an economist observed that the intention of the United States aid program in Korea seemed to have been to produce "an agricultural country with a huge standing army and a first class railway system." Although this is a caricature of the results of Korean-American economic cooperation and conflict, there is more than enough recognizability in the sketch to excite curiosity about the antecedent policies (both Korean and American) which helped to create today's military, political, and economic patterns in Korea and their consequences. In this book Professor Lyons has made a solid contribution to the satisfaction of such curiosity.

In what is essentially a case study of the attempt to develop the field operations of the United Nations Korean Reconstruction Agency (UNKRA), the book provides massive documentation of an early and consistent subordination of economic rehabilitation efforts to military objectives. The issue for American policy, so carefully and insightfully posed by Professor Lyons, was the question of how to reconcile Defense Department insistence on the principle of command responsibility for all matters within the Korean theater of operations and less vigorous State Department insistence that the maintenance of the principle of international responsibility for Korea, which had been one of the bases of American Korean policy since 1947, required an autonomous sphere of UNKRA action. For UNKRA the resolution of this issue was a matter of life and death since "what UNKRA was, was essentially what the United States wanted it to be."

By the time of the Korean Armistice in 1953, less than three years after its establishment, UNKRA had begun to "wither away." The fate of the international agency as the vehicle of Korean postwar reconstruction was sealed by the American decision—which was taken after the assumption of the presidency by Dwight D. Eisenhower and which was part of the price for obtaining the aquiescence of Syngman Rhee in the cessation of hostilities—to follow a concept of bilateral defense support aid. The chapter in which Professor Lyons describes the shift to a bilateral policy is a brilliant essay on American policy toward Korea from the presidential election of 1952 to the Korean Armistice. The preceding chapters which describe the partially successful attempt to build an effective international agency for economic assistance to Korea reveal the UNKRA Agent General balancing precariously between and negotiating with the Secretary-General of the United Nations, the Advisory Committee established by the General Assembly, the United Nations Commisssion on the Unification and Rehabilitation of Korea, the Department of State, the Department of Defense, the Unified Command in Washington, the United Nations Command in Tokyo, the Eighth United States Army in Korea, and the Government of the Republic of Korea.

This book is first rate reading for students of international administration. It owes its "feel" for problems of policy and administration both to the author's five years of experience with UNKRA (from 1951 to 1956) and to the fact that it is based to a considerable extent on the personal papers of J. Donald Kingsley who served as the first Agent General from 1951 to 1953. Political scientists are indebted to Mr. Kingsley for his cooperation in this scholarly endeavor, although they may not all agree with his concept, as *Agent General,* of UNKRA as "an instrument of American policy."

Something needs to be said about what the book is not. It is not an analysis of the impact of military policy and economic aid upon the Korean economy. Such a study remains to be made, hopefully in conjunction with research on the nature and results of Sino-Soviet bloc aid to North Korea. The book does, however, contain materials which are relevant for such an analysis; *e.g.,* a discussion of the perennial problem of the exchange rate to which many Koreans continue to attribute most of their economic ills, and a discussion of anti-inflationary military policies which discouraged investment in industrial development at an early stage. Professor Lyons' purposes are "to analyze the roots of [the] twin forces [of commitment to the principles of command and international responsibility], to isolate and study the principal factors in the formulation of policies to meet the conflict of these two forces, and, finally, to judge whether the outcome has been in the interests of the United States." The book does not really do the latter; nor does it specify the criteria by which such a judgment could be made. It raises important issues, however.

The book can serve as a source for the derivation or the partial confirmation of propositions in several areas of political science concern: *e.g.,* in international organization (The longer the delay in implementing an economic aid program by an international agency, the greater the divergence of the interests of the contributing states, the less their financial contributions, and the greater the discrepancy between actual and potential agency accomplishments), in American foreign policy (Given the goal of keeping allies out of the Communist bloc: the weaker an ally and the more chauvinistic its leaders, the less stringent the measures which can be employed to influence its decisions, and the greater its influence upon American policy), and in civil-military relations (The more the international situation is defined in terms of combat conditions the broader the definition of environmental aspects as relevant to the principle of command responsibility, and the stronger the military resistance to civilian efforts to define spheres of autonomous action).

The book will be of great interest in Korea and, unless suppressed by someone as being "too controversial," may well be translated into Korean. It is to be hoped that a Korean scholar might be permitted and encouraged to undertake a companion study of the decisions of the Republic of Korea Government with respect to military policy and economic aid from 1950 to 1953. Perhaps such a project would interest the faculty of the Graduate School of Public Administration at Seoul National University.—GLENN D. PAIGE, *Princeton University.*

Grants, Loans, and Local Currencies: Their Role in Foreign Aid, BY ROBERT E. ASHER. (Washington, D. C.: The Brookings Institution, 1961. Pp. ix, 142. Paper $1.50; cloth $2.50.)

Not the capacity nor the misgivings of the country giving aid but the need of the receiving country is the main point of emphasis in the present study. Assuming, of course, that the recipient country can discipline its economy sufficiently to justify outside aid—and that it has absorptive capacity in terms of technical and administrative skills—the need is that which is required to sustain a progressive increase in national output. To that end, the author feels that the United States can afford to do its part, uninhibited by doubts about its capacity or by cautious restrictions imposed by Congress. Published in May, 1961, the study supports the Administration's comprehensive proposals for revising the machinery and procedures of United States foreign aid. Through clarification of what is involved in the various types of aid, it seeks to clear the way for a more dynamic prosecution of a policy, which, in shifting contexts, has been pursued for more than fifteen years and which seems likely to continue indefinitely.

It is interesting that even in absolute terms the volume of American aid has been declining: from $5.7 billion in 1949 to $3.7 billion in 1959 (these figures being "net" after subtraction of any returns in interest and principal). Moreover, the ratio of foreign aid expenditure to gross national product declined from 2.5 percent in 1946 and 1947 to 2 percent in 1950, 1 percent in 1955, and 0.8 percent in 1959.

Nevertheless, the total volume of foreign grants and credits provided by the United States government from July 1, 1945 to December 21, 1960 is not inconsiderable, amounting to a gross of $85 billion. The net over-all figure—after adjustment for returns—is $75 billion. But because of various exclusions—notably the investment of the United States in certain international institutions—this total is an understatement of about $7 billion. On the other hand, "the inclusion of expenditures that would almost certainly have been made by the Government for military equipment and agricultural commodities, even if there were no foreign aid programs, probably inflates the burden by $10 to $20 billion."

The author is not persuaded that grants as compared with loans are demoralizing and he makes a good case in support of his contention. He strongly opposes the shift in American policy in the past few years which favors, as a matter of principle, loans over grants. Preferring that the form of aid be determined by the circumstances of each recipient country, he recognizes that in not a few instances exclusion of the grant would mean abandonment of any prospect of significant growth in the national output, for him the touchstone of a defensible policy.

There is delusion, the author feels, in payment by the foreign government for our agricultural surpluses in its own currency and also in use of its own currency in repayment of "soft" loans. This dodge merely gives what is essentially a grant the appearance of a loan and has the added disadvantage of placing in American hands ever mounting sums within foreign countries (for example, in India by 1963 rupees the equivalent of $2.5 billion), which can only result in serious political embarrassment.

The author treats foreign aid primarily from the economic point of view. Our sister discipline has made impressive progress in coping with the complexities of moving the underdeveloped countries into the stream of modernity. Aid, however, is not defensible merely in economic terms. Many of us feel, like the author, that there is a connection between foreign aid and a stable world: that ultimately such a policy can and must be justified in terms of the political interest of the United States. The reviewer, however, knows of no successful endeavor to spell out the precise nature of the connection. To assert, as the author does, that democracy is the goal is overly simple. At the very least it is still far off in most underdeveloped countries; nor would its achievement seem to be an absolute prerequisite to stability. The political scientist has yet to chart the devious paths and pitfalls of foreign aid as it relates to ultimate political consequences.—EDWARD H. BUEHRIG, *Indiana University*.

The St. Lawrence Waterway: A Study in Politics and Diplomacy. BY WILLIAM R. WILLOUGHBY. (Madison: University of Wisconsin Press, 1961. Pp. xiv, 381. $6.00.)

The St. Lawrence-Great Lakes water system has always had a peculiar fascination for historians who have been prompted by the same urge as the early explorers to pursue the long trail of romance and adventure up its waters into the very heart of a gigantic continent. But for the student of economics and politics it has added attractions. The system by no means provides the easy, natural admission to the centre of the continent which a superficial glance at the map might suggest. Many obstructions block the path and become more, rather than less, serious as technological advances bring ever larger ships and introduce competing forms of transportation. For the economic historian these constitute the interestings facts of life surrounding the St. Lawrence system. But, for the student of politics, the most significant feature is that the system happens, also, to form a large part of the boundary line between two nations; and, thereby, as Professor Willoughby's detailed study shows, hangs a long and complex tale.

Many scholars have dealt with specific aspects of this story, but Professor Willoughby has now given us for the first time a full panorama sweeping over a century-and-a-half, the focus shifting now to the American and now to the Canadian side of the border. The rigorous chronological approach tends to produce considerable repetition but the tale, nevertheless, is one of sustained interest and even (although we now know the denouement) of suspense over the eventual outcome. The author has ransacked the archives and other unplumbed sources on both sides of the border in order to follow the intricate diplomatic and political maneuvering associated with the negotiations which always accompanied any joint or even unilateral undertaking on each stretch of the great waterway. He provides ample documentation for Franklin Roosevelt's succinct commentary on the difficulties inherent in these projects: "we have not been able to arrange matters so that both peoples have had the same idea at the same time."

After-dinner orators, American and Canadian patriots alike, have been wont to sing the praises of the "great undefended border" of which the St. Lawrence waterway makes up a major part. But what is clear from Professor Willoughby's analysis is that this has been a border along which a variety of deeply-entrenched economic interests have developed and where fierce partisan and patriotic emotions have had free play. When we add to this picture of sensitive nationalism and opposing economic interests the further features of two federal systems having to contend with states' rights or provincial politicians and, over the course of time, a variety of domestic regulatory bodies and international commissions, we have a political "mix" which lends itself to almost infinite permutations and combinations. These have provided the off-set balance wheels which have responded so differently at particular points of time to what Professor Willoughby (making effective use of a phrase employed by John Gaus) calls the "coercive" forces in society. The wonder is that all of these disjunctive forces have, from time to time, been brought into phase and that cooperative action has been possible.

As an experiment in international regional planning for a great waterways basin, along the lines of the T. V. A., for example, the record is far from reassuring. Undoubtedly, narrow, nationalistic considerations and even military precautions contributed to the repeated failures recorded in this study. Perhaps, too, if the basin had divided two unitary, rather than two federal, states the achievements would have come sooner and more sensibly. But, the more one examines this story the clearer it becomes that the international political machinery for dealing with the issues arising between the two countries was seldom at fault. One might even hazard the guess that if this basin, rather than dividing two nations, had fallen completely within the boundaries of one country, the development of its transportation and power potential would probably not have been accomplished much sooner than it, in fact, was. The economic forces lined up on each side of the river system were frequently in complete agreement; the difficulties were being created by competing domestic forces lying behind and around them. One of the most useful features of Professor Willoughby's study is the manner in which he has brought all these contradictory elements into the open and revealed their true part in prolonging or blocking decisions about the waterway.

The two national protagonists in Professor Willoughby's epic may derive a moral and a lesson from his story. The tensions and conflict of interests between—and within—nations, even under what must be considered promising conditions in this far from ideal world, are not easily or quickly resolved. The patience, persistence and dedication of political leaders will always be strained by the intransigent forces of self-interest, pride and fear seeking to resist the logical coercive forces of society. And, if this be true of two old national friends, how much more is this the case in the larger family of nations now seated uneasily around the tables of the United Nations!—J. E. Hodgetts, *Queen's University* (Kingston, Ontario).

France, Europe, and the Two World Wars. By René Albrecht-Carrié, (New York: Harper & Brothers, 1961. Pp. 346. $7.00.)

This useful book retells in summary form the events which led to World War I and then concentrates on the period between the two wars. In this it produces no new discoveries and the author had no such intentions, as is indicated by his use of primarily secondary sources. What he actually attempts is to place the relationship of France and Germany, as well as the internal evolution in both countries, into the context of the search for a method to stabilize and to organize Europe. This book is the story of the failure of this search.

In zeroing in on the Franco-German conflict, the author does not just select a detail. He sees in the twentieth century a great transitional passage comparable to the sixteenth. It followed a century which, while far from static, was rather stable, and whose stability appeared even greater in comparison to what followed. It was characterized by the unleashing of popular forces furthered by the French and the Industrial Revolutions. But this phenomenon was virtually confined to Europe (and to the United States which remained long concerned with her own and the hemisphere's development) and hence Europe became virtually the mistress of the world outside the Western Hemisphere. This mastery was achieved, not by Europe working in concert, but by individual European states locked in intense competition with one another. Thus the conflict for the mastery of Europe had as its prize the claim for the mastery of most of the world. With so much power concentrated in so small an area the seeds of deadly conflict were laid, despite the very real consciousness of a common heritage which existed among the combatants, at least those of World War I.

Because the nineteenth century had been so relatively peaceful the Powers had perhaps thought that they had learned how to accommodate their differences: 1914 destroyed that illusion. What followed then was an attempt to return to the interrupted normalcy of the pre-World War I period, a futile attempt as the author shows, because there had been more than a great war. An order had died and nothing could revive it. The participants in this drama were too close to it to understand this and their inability to deal with this situation marked the uneasy twenty years which ended in 1939. World Wars I and II therefore constitute, in the opinion of the author, a single period.

World War I was not just a Franco-German quarrel. But it showed the potential of German power and thus made the issue of the control of that power the central problem of the interwar period. France, on the other hand, had not been the sole belligerent of World War I on the allied side, but geography decreed that the war should primarily be fought on her territory. This caused France's main preoccupation with security from Germany. Moreover, the revolution in Russia as well as Britain's and America's limited objectives made France the principal executor of the policy of containing Germany.

The author, whose familiarity with French events is quite evidently greater than his penetration into the intricacies of German politics, has come to the conclusion that France's fears were well founded but that her policy appeared to Britain and even more to America as if it were solely dictated by the will to keep the fruits of victory. In reality, says the author, France had neither the power, nor even the will to carry out such a role; in fact she flexed her muscles only when it was safe to do so, as for instance in the Ruhr episode, but recoiled when it was really necessary but risky. The result was surrender to the incompetent British leadership of 1936.

This thesis is well and persuasively presented in a readable manner. Evidently the author intended to cover a wide range of audience because this book contains both quite technical passages and explanations which could be considered necessary only for the total neophyte. This is sometimes irritating but does not otherwise detract from the work.

In a book of this sort it is easy enough to point out differences of interpretations, especially in the sections on Germany. But they are more than outweighed by a generally fair and dispassionate treatment interspersed with passages of considerable insight, like the statement that the peace treaties which closed World War I were instruments that could have been used in a variety of ways and that it was their use, rather than the nature of the treaties themselves which were of such pivotal importance.

The book ends with a brief essay on France since 1945, the value of which does not measure up to the main body of the book. It touches on far more issues than can be accommodated in so few pages, and would perhaps have been better omitted.

In general, however, this book is challenging and interesting. For a political scientist it is difficult to read this narrative without emotion; 1939 is not so long ago and this reviewer belongs to the generation which fought in World War II. Yet, so fast is the pace of our times that it seems very remote and the account of the struggle for hegemony in Europe and by European powers seems curiously unreal. But that is certainly not the fault of the author.—ROBERT G. NEUMANN, *University of California* (Los Angeles).

Mr. Europe, A Political Biography of Henri Spaak. BY J. H. HUIZINGA. (New York: Frederick A. Praeger, Inc., 1961. Pp. 248. $6.50.)

This book is a fast-moving and readable biography of Paul Henri Spaak by an experienced Dutch journalist. Mr. Huizinga very perceptively suggests that Spaak continued in the Jacobin tradition of Paul Janson, his maternal grandfather, who was Belgium's most distinguished tribune of the last third of the nineteenth century. Eventually Spaak also became his country's leading tribune. However, whereas Janson practiced politics in a time of relative calm, his grandson's political career unfolded during Europe's fifty years' crisis.

In spite of himself, Huizinga is forced to record that Spaak's success as a politician was largely due to his ability to set his political sails to rapidly changing political winds. Without moral qualms or psychic strains Spaak changed from a radical Liberal to a moderate Socialist in the twenties; from a moderate to a radical Socialist in the early thirties; from an extreme anti-ministerial Socialist to a Cabinet member in an overwhelmingly anti-Socialist ministry in the second half of the thirties; from an ardent champion of the League of Nations into an eloquent neutralist and Munichite; from an appeaser to an ardent opponent of Hitler soon after the fall of France; from a close friend of King Leopold into the King's enemy; and from an expedient cooperator with the Communists in the early thirties to a flaming anti-Bolshevik after World War Two.

On two occasions Spaak actually came close to missing out. In a chapter significantly entitled "Saved by the King" the author shows that Leopold's refusal to accept his Cabinet's bid for an accommodation rather than fundamental opposition to Nazism drove Spaak and his colleagues into exile after the fall of France. And in 1949–50 Spaak pressed for Leopold's abdication only after his own Socialist party threatened direct, extra-parliamentary action. In this instance Spaak decided to take the leadership of the anti-Leopold movement not only in order to prevent it from getting out of hand but also so as not to be left without a political following.

Spaak emerges from this narrow political biography as an expert politician whose major assets are his oratorical skills and his sharp sense of the possible and the expedient, and whose underlying motivation is a passion for political action and power. Perhaps he became the first president of the U. N. General Assembly, the Ministerial Committee of OEEC, and the European Assembly in Strasbourg not so much because his talents and achievements were recognized both inside and outside Belgium, but rather because the major powers desperately need politicians from small nations who will deftly preside over inter-allied and inter-coalition organizations.

Since Huizinga does not claim to have written a scholarly book there is no need to take him to task for his inadequate documentation and his pedestrian political and social analysis. On the other hand, the publisher should be criticized for calling this book *Mr. Europe* when the author devotes only a bare fifteen pages to Spaak's all-European activities.—ARNO J. MAYER, *Princeton University.*

Population Control—The Imminent World Crisis. EDITED BY MELVIN G. SCHIMM. New York: Oceana Publications, Inc., 1961. Pp. 253.

Preoccupation with the drag exerted by the population explosion in economically underdeveloped areas upon their prospects for escape from age-old scourges of poverty, disease, and illiteracy, has in recent years been yielding a rising tide of publications concerning various aspects of the population problem.

Every reader of Schimm's symposium will remain indebted to him and the seventeen contributors for the successful accomplishment of their assignment. As the editor stated, this book is directed "to the end that we may perceive the full dimensions of this momentous impending challenge and be prepared to respond appropriately to it."

Statistical data concerning current rates of growth and aggregate increments in human numbers are reviewed by Robert C. Cook, director of the Population Reference Bureau, in the opening chapter "World Population Growth," while A. J. Jaffe's contribution bears upon "Population Trends and Controls in Underdeveloped Countries." Both bring out the historically unprecedented nature of contemporary demographic phenomena. Drawing on his research findings in Puerto Rico, Jaffe stresses the ability of an economy launched upon the path of modernization to raise output without requiring additional labor. In attempting to explain this seeming paradox, Jaffe provides an incomplete answer: he considers only the effect upon employment resulting from transfer of labor out of traditional, low productivity sectors of the economy into "newly-opened factory" employment characterized by high levels of productivity; his explanation thus fails to include the displacement effect, caused by continuous improvements in productivity in modern sectors of the economy, which further stems the absorptive capacity for labor.

After pointing out that output of food in developed continents increased from the mid-30's to the mid-50's more rapidly than the growth of their populations, while in underdeveloped continents the picture, with insignificant exceptions, was the reverse, Jaffe concludes that "the people in underdeveloped areas consume, on a per capita basis, between one quarter and one third less food than do the people of the developed areas." As such, the statement is misleading for it disregards the difference in caloric origin of the respective diets—if the high proportion of our food consumption derived from secondary calories were translated back into primary calories the differential in per capita consumption would not be of an order of merely 30 per cent but closer to a ratio of 3:1 in our favor.

The broad foundations laid by Cook and Jaffe support individual country studies dealing with population control in Japan, Puerto Rico and India.

No symposium on population control could fail to come to grips with the dominant religious viewpoints within Western Society. "A Roman Catholic View of Population Control" is presented by Norman St. John-Stevas. As spokesman of a relatively conciliatory stand on a number of side issues, he concedes, for instance, that "an almost universal skepticism [with respect to the Roman Catholic concept of natural law] should be treated as relevant when a policy of enforcing the precept by means of civil legislation [*e.g.*, the Connecticut statute] is considered," and advances the claim that "the practice of family planning is enjoined [by the Roman Catholic Church] as a duty, the dispute with contemporaries being confined to the means employed." Yet, although the risk of pregnancy, according to the data he quotes, may be five times as great for women who follow the rhythm method as compared to those using contraceptives, St. John-Stevas reiterates that "the methods of family planning acceptable to the Roman Catholic Church are limited to abstinence and use of the safe period" and that "the medical experiments now in progress to develop a contraceptive pill, even if successful, will not lessen Roman Catholic-Protestant conflict over birth control, since such a pill is subject to the same condemnation by Roman Catholic theologians as other forms of contraception."

As for emigration as a solution for over-population problems, St. John-Stevas quotes Pius XII: "If then, in some locality the land offers the possibility of supporting a large number of people, the sovereignty of the state, although it must be respected, cannot be exaggerated to the point that access to this land is, for inadequate or unjustified reasons, denied to needy and decent people from other nations. . . . " In the decade of the 60's, in the course of which China's population alone will increase by as many people as the total population of the United States, more specific operational guidance seems to be required for statesmen both in Washington and Moscow.

On the recently made recommendation [Draper Report] calling for aid in birth control techniques *upon request* of the recipient government, St. John-Stevas states: " . . . nor should foreign aid funds be used to implement such a program, even at the request of the designated state."

Richard M. Fagley, author of the well-known *Population Explosion and Christian Responsibility*, presents the Protestant viewpoint on "responsible parenthood." Salient Protestant teaching is summed up as follows: "The implication is that the medical knowledge that enables a couple to avert conception is no more 'artificial' or 'unnatural' than the medical knowledge vouchsafed for the reduction of disease and premature death."

Readers of this journal may find of greatest interest to them the last chapter of the symposium—"Some Observations on the Political Economy of Population Growth" contributed by Arthur S. Miller. He formulates his central thesis as "the relatively simple proposition that population growth will create the need for more organization, which, in turn, will result in further enhancement of group (including societal), rather than individual, values." For an illustration of his reasoning: " . . . if the time ever comes when saturation of population exists and . . . satellites are pressed into use to siphon off some of the pressure, that, too, would require governmental control, both to produce the satellites and to choose those who would be banished (or allowed to escape, depending on one's viewpoint) to life on an orbiting mechanical planet. The end is more control, whichever way the knife cuts." Being pessimistic about the survival of individual freedoms in a world of mass population and greatly increased organization, Miller advocates a conscious American policy directed toward "attainment of the size of population that would be reasonably likely to produce the conditions (economic, political, and social) enabling the maintenance of a society in which democratic values are maximized."

To sum up, this is an excellent book dealing with one of the gravest problems of our time.—Sioma Kagan, *University of Oregon.*

The Relation Between International Law and Municipal Law in the Netherlands and in the United States. By L. Erades and Wesley L. Gould. (New York: Oceana Publications, Inc., 1961. Pp. 510. $11.00.)

This book is the first of two projected volumes on the subject, and it is therefore difficult to evaluate its contribution and the extent to which it fulfills its ambitious title. It is built around the proposition that international law is more subject to change by the decisions of national courts than by those of international tribunals. Since the decisions of national courts are inevitably influenced by the constitutions, institutions, laws and traditions of each country, the main body of the work is prefaced by a long discussion of the national and municipal institutions and legal framework of the Netherlands and the United States.

This introduction is followed by chapters dealing with the extent to which domestic courts are bound to apply treaties and other international agreements. Then follows a similar section dealing with customary international law. There is also a discussion of the conflict between municipal law and international law, and two chapters dealing with the effect of antecedent and subsequent legislation upon treaties. The final section deals with conflicts between constitutions and international law. In each instance, the topics are discussed from a historical point of view. Thus we are told, for example, what various courts, judges and other legal authorities have said at various times on a particular subject. These many citations, quotations and dicta occasionally make it difficult to find out what the contemporary practice is in each country. The index is not sufficiently detailed to remedy this situation.

Judge Erades, who contributes most of the sections dealing with the Netherlands, is more of a legalist than his confrere Professor Gould. His point of departure is usually the relevant articles of the present, or of some past constitution of the Netherlands. Mr. Gould, while maintaining high standards, is a trifle less cautious, and happily is not afraid to raise certain questions that he is not always able fully to answer.

Throughout the book, the authors attempt to go beyond the "comparative approach" of yesteryear. Thus, this is not a series of unconnected essays. Although each topic is discussed separately, country by country, the section is invariably terminated by an attempt to synthesize, to compare, to contrast the relevant findings. Impressive though they be, one is bound to ask whether Professor Gould's "comparative summaries" go far enough. Unless and until comparative studies of this kind come to some tentative theoretical conclusions, which may in due course facilitate the formulation of more explicit hypotheses, research in international law will not keep pace with the important work now firmly under way in other branches of public law.

Perhaps because this is a trans-atlantic undertaking, the style is often complex, and sometimes verbose. Both authors have obviously done a great deal of research. With the exception of the first few chapters, where it is uneven and inadequate, the documentation is profuse. An English translation has thoughtfully been provided to the titles of the Dutch works cited in the footnotes. The text is unfortunately marred by an unusually large number of typographical errors.

Students of public law in the United States, the Netherlands and elsewhere owe a considerable debt to Messrs. Erades and Gould for having undertaken this work. A reasonable expectation is that the second volume, which will deal with case law on substantive issues of international law in both countries, will complete the picture, and thus lay a solid foundation for similar studies in this area.—David A. Booth, *Michigan State University.*

SELECTED ARTICLES AND DOCUMENTS ON
INTERNATIONAL LAW AND RELATIONS

WILLIAM H. ROBERTS
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NEWS AND NOTES

ATHERTON PRESS PRIZE

The American Political Science Association announces the Atherton Press Prize of $1000 for the best original manuscript in the field of political science submitted in an annual competition.

Manuscripts must be no longer than 200,000 words, must be submitted this year prior to June 1, 1962, and are to be mailed to:

The American Political Science Association
Atherton Prize Committee
1726 Massachusetts Avenue, N.W.
Washington 6, D.C.

The manuscripts will be judged by an APSA Committee and the winner will be announced at the Annual Meeting of the Association in September, 1962. The Atherton Press will have first option on publication of manuscripts submitted for the prize. The American Political Science Association reserves the right to withhold the prize in 1962 if, in the opinion of the judges, no sufficiently meritorious manuscript is submitted.

PROGRAM NOTICE

Two special sessions for graduate students and younger instructors will be held at the annual meetings of the American Political Science Association in Washington, September 5–8, 1962 Harold D. Lasswell, Professor of Law and Political Science, Yale University, and Arnold Brecht, emeritus Professor of Political Science, New School for Social Research, will lead discussions and answer questions at sessions scheduled September 6 and 7.

The meetings will be restricted to younger political scientists in order that they may have a fuller opportunity to meet and talk with these leading members of the profession.

PROFESSIONAL CONFERENCES

The Eastern Regional Organization for Public Administration held the first meeting of its executive council in Tokyo in October, 1961, with a concurrent seminar on urban administration and economic and social development. Eleven states in the Asian region were represented: Australia, Republic of China, Japan, Republic of Korea, Laos, India, Indonesia, the Philippines, Thailand, UAR, Republic of Vietnam. The Vice-Minister of Home Affairs, Yosoji Kobayashi of Japan, chaired the seminar. The United Nations was represented by Brigadier S. T. Divers (on duty in Nepal). Some twenty national and international associations were represented, including the International Institute of Administrative Sciences, International Union of Local Authorities, International Federation for Housing and Planning and American Society for Public Administration. Dr. Luther H. Gulick, chairman of the institute of public administration, was an active participant.

Working papers were debated in some seven sessions, on Metropolitan Administration (Australia), City Administration and Citizen Participation (India), and Local Government and Economic Development (Japan).

EROPA hopes to present in one volume the papers and debates of this Seminar and of the

First General Assembly (Manila, 1960) on Strengthening Local Government for Social and Economic Development.

The theme for the Second General Assembly (October, 1962, probably in Thailand) will be Personnel. Working papers commissioned are: "Organization for Civil Service" (Philippines); "Training of Government Officials for Economic Development" (Thailand); "Academic Preparation of Government Officials" (Republic of China).

EROPA resolved to express its continuing interest in Asian local government by seeking to establish a Local Government Center in conjunction with the Local Autonomy College in Tokyo.

Individuals outside the Asian Region are eligible for corresponding membership. Dues of U.S. $2.50 may be sent to the Secretary General, Dr. Carlos Ramos, Box 474, Manila, Philippines.

The Council Meeting of the International Federation for Housing and Planning attracted over 130 delegates from more than 20 countries to Santiago de Compostele, Spain, 2–9 September. This shrine of pilgrimage was the appropriate setting for debate of one of the principal themes: The Preservation and Use of Urban Monuments and Historic Areas. Prof. W. Ostrowski, Poland, presented a wide-ranging general report; excellent country reports were presented from Italy, Spain and Yugoslavia. The Federation set up a standing committee on Historic Buildings, with Prof. Ostrowski as chairman, to focus continuing international attention upon the problem.

The other theme: The Modernization of Existing Housing—Technical and Financial Limitations, was introduced by Dr. Ing. Bernhard Düttmann, of Düsseldorf. The recommendations resulting from the debates were referred to a newly created standing committee on urban renewal, of which Dr. George S. Duggar of the University of Pittsburgh is chairman. Members from 18 countries were identified during the meeting; others will be added.

Other standing committees had profitable sessions, including those on Professional Planners (S. J. van Embden, Netherlands, chairman); Rent and Family Income (L. Wynen, Belgium, chairman); Regional Planning (E. Parent, Belgium, chairman); Planning Education (F. Violich, acting chairman); International Glossary (H. Calsat, France, chairman); Housing Societies (M. Langlet, France, acting chairman); Traffic, (S. Dziewulski, Poland, chairman).

The Council heard reports of progress in preparation for the 26th Congress, to be held in Paris, 2–8 September, 1962, for which the American Institute of Planners is organizing two charter flights. The Council accepted the invitation of Israel to be host to the 27th Congress in 1964.

Participants from the U.S.A. were Francis Violich, University of California; Charles S. Ascher, representative of IFHP at U.N.; Miss Cynthia Gubernick, who will serve an internship at IFHP headquarters as a Fulbright fellow; and Miss Constance Perin of Cambridge, Mass. Carlos Contreras, vice-president of IFHP from Mexico also attended.

The Round Table of the International Institute of Administrative Sciences in Lisbon, 11–16 September, attracted over 120 participants from 40 countries and 5 international organizations. The stated purpose of the debates was to help the General Reporters perfect their reports for the Congress to be held in 1962. For the theme, "Government Organization for Economic Development," the General Reporter, Professor G. Treves (Italy) had reports from the U.S.A. drafted by Gerhard Colm, National Planning Association, and Harvey Perloff, Resources for the Future, Inc., and from Puerto Rico drafted by Martin Clapp and Juan Labadie Eurite of the Puerto Rico Chapter of the American Society for Public Administration. Both of these reports had been subjected to critical review by special panels at the ASPA Conference at Philadelphia in April. On the theme, "Experience with Technical Coöperation," the General Reporter, M. Vranken (Belgium) had a report from U.S.A. prepared by G. Wm. Lawson and associates at I.C.A., similarly reviewed at Philadelphia. The third theme, "Government Publications as an Element of Public Relations" had no report from U.S.A. Sir John Simpson (U.K.) served as chairman, Mme. Suzanne Honoré (France) as Reporter.

The standing Committee on Administrative Practices met under the chairmanship of G. W. Lawson, in place of Wm. F. Finan. The Scientific Committee, chaired by Henry Puget (France) had Dwight Waldo as U.S.A. member in place of Rowland Egger. Both Committees made proposals to strengthen the work of the Institute. Other committees meeting during the crowded working days included the Editorial Board of the *International Review of Administrative Sciences*, L. Lopez Rodó (Spain) chairman; the Committee on Contracts, Roger Grégoire (France) chairman, vice André Molitor (Belgium); the Committee on Comparative Administrative Cases, G. A. van Poelje (Netherlands) chairman, on which C. S. Ascher sat as alternate for Walter Gellhorn, member from U.S.A.

The Council of Administration, representing members states and national sections, adopted revisions of the statutes modifying the cycle of meetings to provide only one interim meeting between triennial Congresses and consequential changes in the powers of the Executive Committee and the Council to render more effective the conduct of the affairs of the Institute.

Under the leadership of Dean Donald C. Stone of Pittsburgh, some 48 persons responsible for training administrators in more than 30 national institutions met for the first time to set the stage for continued collaboration and exchanges on common problems.

The Congress of 1962—an open meeting to which all interested persons are invited—will be held probably in the second half of July, at a place in Europe to be announced.

The 19th Annual Institute on World Affairs, under the direction of Professor Minos Generales, was held August 7–25, 1961 at San Diego State College. With the theme being "Coexistence," the Institute's academic speakers included: Ross Berkes, U.S.C.; Eugene Burdick, U.C.; Arthur S. Flemming, Oregon; Constantine Generales, New York Medical College; L. F. E. Goldie, U.C.; Paul Hadley, U.S.C.; John Hutchinson, Claremont Graduate School; Amos Jordan, U.S.M.A.; Karlin & Capper-Johnson, Lewis and Clark; James Kitchen, S.D.S.C.; Joseph Lauwerys, London; Deane Malott, Cornell; Charles Martin, Washington; Hans Morgenthau, Chicago; Fred Neal, Claremont Graduate School; Peter Rohn, Claremont Men's College; Robert Scalapino, U.C.; Charles Schleicher, Oregon; Edward Stainbrook, U.S.C.; Julian Towster, U.C.; Urban Whitaker, S.F.S.C.

Other speakers included: Brutus Coste, Assembly of Captive Nations; Kenneth Dadzie, Ghana; John Denson, United Kingdom; Avraham Harman, Israel; Roger Hilsman, State Department; John McNaughton, Defense Department; Frank McCulloch, Los Angeles Times, Myron Rush, RAND.

The fifth annual meeting of the Missouri Political Science Association was held at the University of Missouri, Columbia, on October 13, 1961. Sessions were devoted to politics in council-manager cities, the politics of public education, and ethics in government. George A. Bell, assistant state budget director, was elected president of the association for 1962. The association now comprises 140 members.

A Mid-America Assembly on the topic "The Secretary of State" was held at the University of Missouri on November 16–19, 1961, under the co-sponsorship of that university and the American Assembly. Sixty persons prominent in business, government, and professional circles were in attendance. Principal addresses were delivered by Harlan Cleveland of the Department of State and Norman A. Graebner of the University of Illinois.

A section on War and Peace Studies will be included in the 1962 annual meetings of the American Sociological Association to take place in Washington, D.C., at the end of August. Persons interested in submitting papers should contact the Chairman of the session, Professor Amitai Etzioni, at Columbia University.

OTHER ACTIVITIES

The University of Michigan has received a grant of approximately $3,000,000 from the Ford Foundation to be spent over the next ten years in area and international studies. The terms of the grant provide for a total of $1,800,000 for the Chinese, Japanese and Middle Eastern Centers for the ten year period. $500,000 of the grant is to be divided over the next five years by the Russian Studies and Southern Asian Centers for the development of research and graduate instructional programs. The remaining $700,000 is to be spent over the next five years chiefly by the Law School, Business School, Center for Economic Development, and Center for Conflict Resolution in research and graduate instruction in international studies.

Under State Department contract, Indiana University is playing host to a group of chairmen of Indian political science departments during 1962—February, March and April. Following study, observation, and discussions at Indiana University, each visitor will spend some time on several other campuses. While in Bloomington, the Indian political scientists will also present a public lecture series and assist in an Indian Government and Politics course conducted by Richard F. Crabbs who is coordinating the special program. The Indian visitors are: Narayan R. Deshpande, Nagpur University; Avadh Behari Lal, Allahabad University; Indra D. Sharma, Punjab University; Abdulkarim H. Somjee, University of Baroda; Hari Shanker Srivastava, Gorakhpur University; Kopparti V. Rao, Utkal University; V. Venkata Rao, Gauhati University.

The Mershon National Security Center at Ohio State University awarded the 1961 prize of $2,500 for the best book-length manuscript on national security submitted in 1961 to George Stambuk, department of government, Indiana University.

Arthur H. Dean, President of the American Society of International Law, announced that the Society has received a grant of $500,000 from the Ford Foundation, and will now undertake long-term studies on the legal aspects of arms control and disarmament, foreign investment and economic development, space activities, and federalism in the emerging nations.

Ambassador Dean is the Chairman of the U.S. delegation at the nuclear test ban conference in Geneva and a member of the U.S. delegation to the United Nations for the current session of the General Assembly. He is senior partner of the New York law firm of Sullivan and Cromwell.

The Ford Foundation grant will be used to expand the activities of the 55-year-old Society, known for its annual meetings and its *American Journal of International Law*, which goes to 5000 members and subscribers in 91 countries around the world.

Charles S. Ascher of Brooklyn College has been elected president of the conference of non-governmental organizations with consultative status at the U.N. He chaired a meeting of its bureau in Geneva in August, 1961.

George M. Belknap has accepted appointment as visiting associate professor of government at Dartmouth College.

Paul C. Bartholomew, professor of political science at the University of Notre Dame, served during the past summer as a consultant to the Republican National Committee at its headquarters in Washington, D. C. in the current reorganization under the new chairman, Representative William E. Miller of New York.

Martin Birnbach, formerly of the University of Puerto Rico, has been appointed visiting instructor at the University of Nebraska.

Herbert W. Briggs, Goldwin Smith Professor of International Law at Cornell University and Editor-in-Chief of the *American Journal of International Law*, was recently elected by the United Nations to be a member of the U.N. International Law Commission.

Zbigniew Brzezinski of Columbia participated in the Wilton Park Conference held in November in England. This year the subject of the conference was "The Western Alliance and 'Competitive Co-existence'."

Frederic N. Cleaveland, chairman of the department of political science, University of North Carolina, participated in a conference in Santiago, Chile, from September 24 through October 7, 1961. The conference was jointly sponsored by the Inter-American Development Bank and the Latin American faculty of the social sciences (FLACSO). Professor Cleaveland served as a consultant for the public administration program.

Walter C. Clemens, who received his Ph.D. from Columbia University (Russian Institute) has been appointed acting assistant professor at University of California, Santa Barbara, for 1961–1962.

Percy E. Corbett, professor of foreign affairs at the University of Virginia gave the address at the Founder's Day Convocation at McGill University on October 6. McGill University conferred the honorary degree of D.C.L. on Professor Corbett on the same occasion.

Martin David Dubin, assistant professor of political science, has been awarded a 1961–1962 Roosevelt University faculty fellowship with leave to do research in Great Britain, the Netherlands and Switzerland, on the theory and history of international organization.

The University of Idaho's Borah Foundation Lecturer during the first semester of 1961–1962 was Francisco Garcia-Amador, former Cuban Ambassador and presently a consultant for the Pan American Union. The theme of this series of lectures was "Democratic Counteroffensive in Latin America."

Ralph M. Goldman of Michigan State University is visiting professor of political science at the University of Chicago for the academic year 1961–1962.

Franz B. Gross of Pennsylvania Military College is serving as a visiting associate professor at the University of Pennsylvania in the political science department.

George Y. Harvey of the University of Missouri has been appointed, by Secretary Ribicoff, chairman of a second citizens advisory committee to study the Food and Drug Administration and make recommendations to the Department of Health, Education and Welfare and to the Administration.

Russell H. Fifield of the University of Michigan has been appointed secretary of the association for Asian studies and a member of its executive committee.

John N. Hazard, professor of public law and government at Columbia University, has been spending 1961–62 at the Center for Advanced Study in the Behavioral Sciences, and will serve as visiting professor of political science at the University of California, Berkeley, during the spring semester, 1962.

Robert J. Horgan, chairman of the political science department at Clarke College in Dubuque, Iowa, was elected November 8 to the Dubuque City Council, for a term of four years.

Will Irwin, Colorado State University, is associate director for the Citizenship Clearing House, 1961–62.

Stephen P. Koff, assistant professor of political science at the Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, has been granted a two-year leave of absence in order to become resident administrator of the Syracuse semester in Italy program.

Fred Krinsky, associate professor at the Maxwell School of Citizenship and Public Affairs, Syracuse University, is a visiting associate professor in political science at the University of Southern California for the academic year 1961–62. Mr. Krinsky replaces Professor Carlton C. Rodee, who is on sabbatical leave.

Leslie Lipson, professor of political science at the University of California at Berkeley, is serving as acting executive secretary of the institute of international studies of the University, during 1961–62.

Vernon McKay, professor of African studies at the Johns Hopkins School of Advanced International Studies in Washington, D. C., was elected president of the African Studies Association at the annual meeting held in New York City, October 20–22. He also served as conference chairman for the Eighth National Conference of the United States National Commission for UNESCO in Boston, October 22–26. This conference, attended by 2000 U.S. and African delegates, dealt with the theme, "Africa and the United States—Images and Realities." While in Boston, Dr. McKay was elected a member of the executive committee of the United States National Commission for UNESCO.

Roy Macridis, professor of political science at Washington University is on leave during 1961–62 studying the Fifth Republic in France under a grant from the Rockefeller Foundation.

Laurence Martin has been appointed as visiting associate professor in European Diplomacy at the school of advanced international studies of Johns Hopkins University, located in Washington, D. C. Dr. Martin has also been appointed a research associate at the Washington Center of Foreign Policy Research, which is affiliated with the School of Advanced International Studies.

Robert Moses of New York City presented the second annual lecture in The Herman G. James Lectures on Municipal Government at Ohio University on November 9, 1961. This lectureship was established a year ago in honor of Dr. James, a former president of Ohio University.

Morris S. Ogul, assistant professor of political science, has been appointed senior research associate at the administrative science center at the University of Pittsburgh, for the 1961–1962 academic year.

Robert C. Osgood has been appointed as visiting professor of American Diplomacy and research associate of the Washington Center of foreign policy research at the School of Advanced International Studies of Johns Hopkins University, located in Washington, D. C. He is on leave from the University of Chicago where he is professor of political science and research associate of the Center for the study of American foreign policy.

Joseph A. Peters, assistant professor of government and history, of Beaver College is serving as lecturer at the University of Pennsylvania in the political science department.

Robert J. Pitchell, acting director of the Bureau of government research at Indiana University has been named editor of the *Indiana Municipal Manual;* the first annual edition is scheduled for publication in March of 1962.

Vasant D. Rao of the University of Bombay is visiting lecturer in political science and history, San Diego State College.

S. Grover Rich, professor of political science and director of the Institute of International Studies, University of Utah, is on leave during the academic year 1961–62 while serving as professor of foreign affairs on the faculty of the National War College in Washington, D. C.

Carlton C. Rodee of the University of Southern California, is on sabbatical leave for the academic year of 1961–62.

E. E. Schattschneider, emeritus professor of government at Wesleyan University, is teaching during the 1961–62 academic year in Wesleyan's experimental college of social studies.

Charles P. Schleicher, professor of political science at the University of Oregon is acting department head for the current year during the absence of E. S. Wengert, who is on leave, concluding a study of the Agency of International Development for the Inter-University Case Program.

Paul Seabury, associate professor of political science at the University of California, Berkeley, is on sabbatical leave during the fall of 1961, and holds a Guggenheim Fellowship during spring, 1962.

Glenn Tinder of the University of Massachusetts will spend the year 1961–62 on sabbatical.

Frank N. Trager, professor of international affairs, New York University, is serving as a visiting professor of political science at the National War College, Washington, D. C. during 1961–62. He will also, for the third year in succession, be in charge of the course on southeast Asia at the Army War College, Carlisle Barracks, Pennsylvania.

Robert C. Tucker has been appointed as visiting professor of Soviet affairs at the school of advanced international studies of Johns Hopkins University. Dr. Tucker has also been appointed a research associate at the Washington Center of Foreign Policy Research, which is affiliated with the school of advanced international studies in Washington. He is on leave from the University of Indiana where he is professor of government.

Maurice Waters has received a two year appointment as visiting assistant professor at Antioch College.

York Willbern, director of the bureau of government research at Indiana University, is engaged in a special research project for the year 1961–62 with a grant from the Social Science Research Council. Robert J. Pitchell, associate director of the Bureau, is serving as acting director.

Sheldon Wolin, associate professor of political science at the University of California, Berkeley, is on leave for the year 1961–62.

APPOINTMENTS AND STAFF CHANGES

Stanley V. Anderson, who received both a law degree and his Ph.D. from the University of California, Berkeley, has been appointed assistant professor of political science at the University of California, Santa Barbara.

Paul M. Bernstein has been appointed instructor in the political science department, University of Pennsylvania.

Thompson Black, formerly head of the department of government, has been promoted to chairman of the social sciences division at Los Angeles State College.

Donald Bray upon completion of his Ph.D. at Stanford, has accepted an appointment as assistant professor at Los Angeles State College.

H. Carl Camp has been appointed as assistant professor at Tulane.

William G. Carleton has been appointed professor emeritus of political science at the University of Florida to enable him to devote full time to a program of research, writing and lecturing.

Daniel S. Cheever has been appointed associate professor in the department of political science and in the graduate school of public and international affairs at the University of Pittsburgh.

Milton Colvin, formerly of Vanderbilt University and the University of Chicago, has accepted an appointment as associate professor of political science at Washington and Lee University.

Frank Dinka has been appointed as associate professor at Southwest Missouri State College, Springfield, Missouri.

Clair Doubrovsky has become a member of the department of political science at Mount Holyoke.

George S. Duggar has been named associate professor of Municipal-Metropolitan Affairs at the University of Pittsburgh.

Eugene P. Dvorin has been promoted to associate professor and appointed head of the government department at Los Angeles State College.

Milton Feder has been promoted to associate professor of government at Beloit College.

Martin Fleisher, has been appointed assistant professor of political science at Brooklyn College.

John F. Gallagher, formerly of UCLA, has been appointed acting assistant professor of political science in the University of California at Davis.

Betty Glad has been appointed instructor in the department of political science at Brooklyn College.

Edward M. Goldberg who taught at San Diego State College last year, has been appointed assistant professor at Los Angeles State College.

Walter Goldstein, has been appointed assistant professor of political science at Brooklyn College.

Elisha, Greifer, formerly of Vassar College, is director of the Argentine-North American Cultural Institute, Tucuman, Argentina. This was facilitated by a grant from the United States Information Agency.

Jean Grossholtz has joined the department at Mount Holyoke as instructor.

John M. De Grove has been promoted from assistant professor to associate professor of political science at the University of Florida.

Myron Q. Hale has been appointed an assistant professor at the Ohio State University.

William J. Hanna, joined the department in January, 1961, as an instructor at Michigan State.

Alice Henkin has been appointed instructor in the political science department, University of Pennsylvania.

Henry Janssen has been promoted to professor, San Diego State College.

James D. Johnson has joined the department of government, University of Oklahoma, as an instructor.

Ned V. Joy has been promoted to professor, San Diego State College.

Will Irwin has been promoted to associate professor of political science at Colorado State University.

Richard C. C. Kim of the University of Oklahoma, has been appointed assistant professor of government at Hardin-Simmons University, in Abilene, Texas.

William R. Kintner has been appointed professor of political science at the Wharton School of Finance and Commerce of the University of Pennsylvania.

Stanley Kochanek has been appointed instructor in the political science department, University of Pennsylvania.

Merle Kling has been promoted to professor of political science at Washington University, St. Louis, Missouri.

James R. Klonoski, formerly research associate at Brookings Institution, has been appointed assistant professor of political science at the University of Oregon.

William O. Lewis, doctoral candidate at the University of Oregon, has been appointed instructor in political science at the University of Idaho.

Victor T. LeVine has been appointed assistant professor of political science at Washington University, St. Louis, Missouri.

Noah Lucatz has been appointed assistant professor at Southern Illinois University, East St. Louis campus.

Robert A. Lystad has been appointed as associate professor of African studies at the School of Advanced International Studies of Johns Hopkins University located in Washington, D. C.

Austin F. Macdonald, returned in August, 1961, as professor of political science at the University of California, Berkeley.

Joseph C. McKenna, S.J. has been appointed chairman of Fordham University's department of political philosophy and government.

Ruth McQuown has been appointed assistant professor of political science at the University of Florida.

Gerard J. Mangone of the Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, has been appointed executive assistant to Dean Stephen K. Bailey, Maxwell School.

Henry L. Mason has been promoted to the

rank of full professor of political science at Tulane.

Warner E. Mills, Jr. has been promoted to associate professor of government at Beloit College.

Steven Muller has been appointed associate director for Cornell University's new Center for International Studies.

Edwin B. Morrell, who is completing his doctoral dissertation at Harvard University, has been named assistant professor of political science at Brigham Young University.

Lloyd D. Musolf, recently returned from Saigon, and has been promoted to the rank of professor at Michigan State.

Charles R. Naef has been made instructor in political science at Colgate University.

Felix Nigro has been appointed professor of political science, San Diego State College.

John Norman, professor of history and government at Fairfield University was chairman of a bipartisan Fairfield Charter Revision Commission (1960–1961).

Frederic D. Ogden, formerly of the University of Alabama, has accepted a position as head, with rank of professor, of the recently established department of political science at Eastern Kentucky State College.

Felix Oppenheim has been appointed professor of government at the University of Massachusetts.

Don Piper, Duke University, is a research associate at Duke University for 1961–62.

John W. Price has been appointed assistant professor of political science at the University of Florida.

J. Harris Proctor has been promoted to associate professor at Duke University.

Eugene Pyziur, who received his doctorate in June at Notre Dame University, has been appointed an assistant professor of political science at St. Louis University.

Peter Remec of Fordham University has been advanced to the rank of associate professor of international law.

David RePass is now instructor in political science at Mount Holyoke.

Richard F. Schier, who has been on leave for the past year, returned to Franklin and Marshall College as associate professor and chairman of the department of government.

Edward V. Schten joined the staff of the bureau of government of the University of Wisconsin on November 1, 1961 as an assistant professor of political science and as an assistant director of the Bureau. He will be in charge of the Education and Training activities of the Bureau at Milwaukee.

John W. Schwada, recently Comptroller and Budget Director for the State of Missouri, has returned to the University of Missouri as dean of faculties and acting dean of the school of business and public administration.

Robert A. Scalapino, professor of political science at the University of California, Berkeley, assumed the chairmanship of the department in February, 1962, on his return from leave.

*John C. Sherry has been promoted to professor, social sciences, at Pace College.

K. H. Silvert has accepted appointment as professor of government at Dartmouth College. He will also continue to serve as a senior associate of the American Universities Field Staff.

Marshall Singer has been appointed assistant professor of political science at Brooklyn College.

Baljit Singh has joined the department as an assistant professor at Michigan State University.

George Stambuk has been appointed assistant professor of government at Indiana University.

T. Noel Stern, former president of West Chester State College in Pennsylvania, has been appointed research associate in the bureau of government research at Indiana University.

James A. Storing, professor of political science has been appointed to be dean of faculty, Colgate University, beginning in the fall, 1961–62.

Harry P. Stumpf has been named instructor in political science at Colorado State University.

Ivan Taborsky is now instructor in government at Arlington (Texas) State College.

Phillip B. Taylor, Jr. has been appointed as associate professor of Latin American Studies at the school of advanced international studies of Johns Hopkins University, located in Washington, D. C.

Manoucher Vahdat is presently employed at Northwestern State College, Alva, Oklahoma as associate professor of political science.

Ferenc Vali, formerly professor of international law, University of Budapest, Hungary, and recently research associate at the Harvard Center for International Studies, has been appointed associate professor of government at the University of Massachusetts.

William R. Vizzard, Jr., has joined the department of government, University of Oklahoma, as an assistant professor.

Tully Warren has been promoted to associate professor at Los Angeles State College.

Wilfred D. Webb of the University of Texas has been named associate dean of the College of Arts and Sciences.

Alex Weilenmann, University of Zurich, has been appointed assistant professor of political science at the University of Oregon.

Herbert R. Winter has been appointed assistant professor of political science at Hartwick College.

David M. Wood has been promoted to assistant professor at the University of Missouri.

IN MEMORIAM

Selden Gale Lowrie, age 77, died on November 2, 1961, in Cincinnati. He was born in Mt. Sterling, Illinois, and educated at Knox College, the University of Illinois and the University of Wisconsin. He had become in 1912 a member of the faculty of the University of Cincinnati, and there he had for forty years served as a teacher and head of the Department of Political Science. During those years he had been active also as a consultant and adviser in connection with matters of local and state concern in the fields of legislation and administration.

In World War I he served as a Captain, U. S. Army, with assignments in Washington. In 1919 he served as a representative of the Red Cross in Turkey. Thereafter he travelled in the Far East and lectured in colleges in China. Later he lectured at Clark University, at Syracuse University, and, on a Fulbright grant, at the University of Hawaii.

A member of Phi Beta Kappa and of Phi Delta Theta, author of *The Budget* and of many articles in professional journals, admitted to the Bar in 1921, he was long active in the American Political Science Association and in the Cincinnati branch of the Foreign Policy Association. His interest in legal and political developments persisted up to the moment of his last and very brief illness.

The Gale and the Lowrie families were intimately connected with the founding and the early development of Galesburg, Illinois, and of Knox College.—Stanley K. Hornbeck

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Announcement
of the
1962 APSA
ANNUAL MEETING

The Executive Committee of the Association again has voted to extend the length of the Annual Meeting to a four-day period—September 5 through September 8, 1962. The Mayflower Hotel will serve as Annual Meeting headquarters.

Byrum E. Carter, Department of Government, Indiana University, is Chairman of the 1962 Annual Meeting Program Committee. His Committee is composed of the following:

POLITICAL AND CONSTITUTIONAL THEORY: Professor David Smith, Department of Political Science, Swarthmore College, Swarthmore, Pennsylvania.

AMERICAN POLITICAL AND CONSTITUTIONAL THEORY: Professor James Prothro, Department of Political Science, University of North Carolina, Chapel Hill, North Carolina.

COMPARATIVE GOVERNMENT: Professor Lucian Pye, Department of Political Science, Massachusetts Institute of Technology, Cambridge, Massachusetts.

NATIONAL GOVERNMENT: Mr. Charles L. Clapp, Brookings Institution, Washington, D.C.

STATE AND LOCAL GOVERNMENT: Professor Ethan Allen, Department of Political Science, University of Kansas, Lawrence, Kansas.

POLITICAL PARTIES: Professor James Robinson, Department of Political Science, Northwestern University, Evanston, Illinois.

PUBLIC ADMINISTRATION: Professor Vincent Ostrom, Department of Political Science, University of California at Los Angeles, Los Angeles, California.

INTERNATIONAL POLITICS: Professor Vernon Van Dyke, Department of Political Science, University of Iowa, Iowa City, Iowa.

SPECIAL GRADUATE SEMINARS: Professor Howard Penniman, Department of Government, Georgetown University, Washington, D.C.

PANEL ON POLITICS AND FICTION: Professor Alex Gottfried, Department of Political Science, University of Washington, Seattle, Washington.

(A Preliminary Program will be mailed to APSA members in May)

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by Morton A. Kaplan *and* Nicholas deB. Katzenbach,
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